DOCUMENT RESUME

ED 125 802 RC 009 282

TITLE	Agricultural Child Labor Provisions of FLSA, 1974; Hearing Before the Subcommittee on Labor of the Committee on Labor and Public Welfare, United States Senate, Ninety-Third Congress, Second Session (Portland, Oregon, December 6, 1974).
INSTITUTION	Congress of the U.S., Washington, D.C. Senate Committee on Labor and Public Welfare.
PUB DATE	75
NOTE	214p.; Not available in hard copy due to small print size. Pages 70 through 85 of the original document are copyrighted and therefore not available. They are not included in the pagination
EDRS PRICE	MF-$0.83 Plus Postage. HC Not Available from EDRS.
DESCRIPTORS	*Agribusiness; Agricultural Laborers; Child Labor; *Child Labor Legislation; Economic Factors; Employment Statistics; Farm Labor Legislation; *Federal Legislation; Labor Conditions; Migrant Workers; *Rural Farm Residents; Rural Youth; *Socioeconomic Influences; Youth Employment
IDENTIFIERS	*Fair Labor Standards Act; FLSA

ABSTRACT

In its report accompanying the 1974 amendments to the Fair Labor Standards Act (FLSA), the Senate Labor Committee concluded that in general child labor in agriculture was physically and mentally detrimental to the health and well-being of participating children, acting as a social depressant, stunting their intellectual growth and capacity, and resulting in economic exploitation negatively affecting the local adult wage rate. Congress, therefore, adopted legislation prohibiting the employment in agriculture of all children under the age of 12 except those working on farms owned or operated by their parents or guardians, or with the consent of their parents or guardians on farms exempt from the minimum wage and overtime provisions of the act by virtue of the 500 man-day test. In both exceptions, the children must be employed outside school hours in the school district where they reside. Opponents of the legislation suggested that the amendments have created isolated situations of severe economic hardship which could be legislatively remedied without any negative side effects on those children being protected. This hearing examined the arguments both pro and con for this position within the framework of the 3 premises on which the decision was made to prohibit the agricultural employment of children under 12--the physical effects on the children, the social effects on the community, and the economic impact on the area's wage structure. (NQ)

Documents acquired by ERIC include many informal unpublished materials not available from other sources. ERIC makes every effort to obtain the best copy available. Nevertheless, items of marginal reproducibility are often encountered and this affects the quality of the microfiche and hardcopy reproductions ERIC makes available via the ERIC Document Reproduction Service (EDRS). EDRS is not responsible for the quality of the original document. Reproductions supplied by EDRS are the best that can be made from the original.

ED125802

AGRICULTURAL CHILD LABOR PROVISIONS OF FLSA, 1974

HEARING

BEFORE THE

SUBCOMMITTEE ON LABOR

OF THE

COMMITTEE ON LABOR AND PUBLIC WELFARE UNITED STATES SENATE

NINETY-THIRD CONGRESS

SECOND SESSION

ON

EXAMINATION OF THE PROVISIONS OF THE FAIR LABOR STANDARDS ACT AGAINST EXPLOITATION OF CHILD LABOR IN AGRICULTURE

DECEMBER 6, 1974

PORTLAND, OREG.

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

Printed for the use of the Committee on Labor and Public Welfare

U.S. GOVERNMENT PRINTING OFFICE
44-619 O WASHINGTON : 1975

RC009282

COMMITTEE ON LABOR AND PUBLIC WELFARE

HARRISON A. WILLIAMS, JR., New Jersey, *Chairman*

JENNINGS RANDOLPH, West Virginia
CLAIBORNE PELL, Rhode Island
EDWARD M. KENNEDY, Massachusetts
GAYLORD NELSON, Wisconsin
WALTER F. MONDALE, Minnesota
THOMAS F. EAGLETON, Missouri
ALAN CRANSTON, California
HAROLD E. HUGHES, Iowa
WILLIAM D. HATHAWAY, Maine

JACOB K. JAVITS, New York
PETER H. DOMINICK, Colorado
RICHARD S. SCHWEIKER, Pennsylvania
ROBERT TAFT, JR., Ohio
J. GLENN BEALL, JR., Maryland
ROBERT T. STAFFORD, Vermont

JOSEPH P. MCMURRAY, *Staff Director and Chief Legislative Counsel*
MARJORIE M. WHITTAKER, *Chief Clerk*
ROY H. MILLENSON, *Minority Staff Director*
JAY B. CUTLER, *Minority Counsel*

SUBCOMMITTEE ON LABOR

HARRISON A. WILLIAMS, JR., New Jersey, *Chairman*

JENNINGS RANDOLPH, West Virginia
CLAIBORNE PELL, Rhode Island
GAYLORD NELSON, Wisconsin
THOMAS F. EAGLETON, Missouri
HAROLD E. HUGHES, Iowa
WILLIAM D. HATHAWAY, Maine

JACOB K. JAVITS, New York
RICHARD S. SCHWEIKER, Pennsylvania
ROBERT TAFT, JR., Ohio
ROBERT T. STAFFORD, Vermont

DONALD ELISBURG, *Counsel*
DON ZIMMERMAN, *Minority Labor Counsel*

(II)

CONTENTS

CHRONOLOGICAL LIST OF WITNESSES

FRIDAY, DECEMBER 6, 1974

PORTLAND, OREG.

	Page
Packwood, Hon. Bob, a U.S. Senator from the State of Oregon	2
Katz, Hon. Vera, Oregon State Legislator	15
Groener, Hon. Richard, chairman, Labor Committee, Oregon State Senate	25
Ciddio, Rafael, Pablo, Oregon State Chicano Concilio	27
Pahl, David, executive vice president, Northwest Food Processors Association; accompanied by Mrs. Van Domlen; Mrs. Henningsen; Mrs. Von Wald; Jeff Tolke; Deanna Von Wald; and Brad Vandehey, a panel	39
Testimony continued, accompanied by Randall P. Garberg, general manager, Shuksan Frozen Foods, Lynden, Wash.; Robert L. Conroy, strawberry processor, Woodburn, Oreg.; and Robert Schlegel, field representative, Flavorland Foods, Inc., State of Oregon	105
Tolke, J. D	39
Von Wald, Deanna	40
Vandehey, Brad	40
Van Domlen, Marian	41
Henningsen, Billie	42
Von Wald, Ellen	42
Killion, Deena	44
Taylor, Ronald, author of "Sweatshops in the Sun"	44
Fox, Michael, counsel, United Farm Workers of America, AFL-CIO	86
Garberg, Randall P., general manager, Shuksan Frozen Foods, Lynden, Wash	105
Conroy, Robert L., strawberry processor, Woodburn, Oreg	110
Schlegel, Robert, field representative, Flavorland Foods, Inc., State of Oregon	113
Beaton, Dr. C. Russell, professor of economics, Williamette University	117
Green, Hon. Edith, a Representative in Congress from the State of Oregon	123
Fujii, Howard, representing the Oregon Farm Bureau Federation, accompanied by Frank Setniker, vice president, Oregon Farm Bureau Federation, McMinnville, Oreg., Claudio Bustamonte, strawberry grower, St. Paul, Oreg., and Larry Kelly, strawberry grower, Salem, Oreg	135
Bustamonte, Claudio, strawberry grower, St. Paul, Oreg	151
Setniker, Frank, vice president, Oregon Farm Bureau Federation, McMinnville, Oreg	154
Kelly, Larry, strawberry grower, Salem, Oreg	155
Hulbert, Robert J., Washington State Farm Bureau; accompanied by Harold Arneson, grower, Portland, Oreg.; and Vinton Erickson, grower, Vancouver, Wash	161
Arneson, Harold, grower, Portland, Oreg., representing the Whitcom Growers Association	163
Erickson, Vinton, strawberry grower, Vancouver, Wash	165
Garcia, Jose, area director, migrant education program, Washington County; accompanied by Jose G. Bustos, employee, Oregon State Employment Division	174
Bustos, Jose G., employee, Oregon State Employment Division	175
McGlinn, Floyd, supervisor, Oregon State Employment Division; accompanied by Ernest F. La Palm, Washington State Employment Security Commission	181
La Palm, Ernest F., Washington State Employment Security Commission	203

STATEMENTS

Arneson, Harold, grower, Portland, Oreg., representing the Whitcom Growers Association 163
Prepared statement 171
Beaton, Dr. C. Russell, professor of economics, Williamette University 117
Bustamonte, Claudio, strawberry grower, St. Paul, Oreg 151
Prepared statement 152
Bustos, Jose G., employee, Oregon State Employment Division 175
Ciddio, Rafael, Pablo, Oregon State Chicano Concilio 27
Prepared statement (with attachments) 32
Conroy, Robert L., strawberry processor, Woodburn, Oreg 110
Prepared statement 112
Day, L. B., political director, Joint Council of Teamsters No. 37, prepared statement 206
Erickson, Vinton, strawberry grower, Vancouver, Wash 165
Flavorland Foods, Inc., prepared statement 114
Fox, Michael, counsel, United Farm Workers of America, AFL–CIO 86
Prepared statement 96
Fujii, Howard, representing the Oregon Farm Bureau Federation, accompanied by Frank Setniker, vice president, Oregon Farm Bureau Federation, McMinnville, Oreg., Claudio Bustamonte, strawberry grower, St. Paul, Oreg., and Larry Kelly, strawberry grower, Salem, Oreg 135
Prepared statement (with exhibits) 139
Garberg, Randall P., general manager, Shuksan Frozen Foods, Lynden, Wash. 105
Prepared statement 108
Garcia, Jose, area director, migrant education program, Washington County; accompanied by Jose G. Bustos, employee, Oregon State Employment Division 174
Gilmour, Gayle, District Administrative Assistant, submitted for Congressman Al Ullman, prepared statement 205
Green, Hon. Edith, a U.S. Representative in Congress from the State of Oregon 123
Prepared statement 131
Groener, Hon. Richard, chairman, Labor Committee, Oregon State Senate 25
Hatfield, Hon. Mark O., a U.S. Senator from the State of Oregon, prepared statement 8
Henningsen, Billie 42
Hulbert, Robert J., Washington State Farm Bureau; accompanied by Harold Arneson, grower, Portland, Oreg.; and Vinton Erickson, grower, Vancouver, Wash 161
Prepared statement 168
Katz, Hon. Vera, Oregon State Legislator 15
Kelly, Larry, strawberry grower, Salem, Oreg 155
Prepared statement 157
Killion, Deena 44
Kosesan, Bill, program director, Oregon Department of Agriculture 124
La Palm, Ernest F., Washington State Employment Security Commission 203
McGlinn, Floyd, supervisor, Oregon State Employment Division; accompanied by Ernest La Palm, Washington State Employment Security Commission 181
Prepared statement (with attachments) 183
Oregon Farm Bureau Federation, prepared statement 139
Oregon State Chicano Concilio, prepared statement 32
Packwood, Hon. Bob, a U.S. Senator from the State of Oregon 2
Pahl, David, executive vice president, Northwest Food Processors Association; accompanied by Mrs. Van Domlen; Mrs. Henningsen; Mrs. Von Wald; Jeff Tolke; Deanna Von Wald; and Brad Vandehey, a panel 39
Testimony continued, accompanied by Randall P. Garberg, general manager, Shuksan Frozen Foods, Lynden, Wash.; Robert L. Conroy, strawberry processor, Woodburn, Oreg.; and Robert Schlegel, field representative, Flavorland Foods, Inc., State of Oregon 105
Schlegel, Robert, field representative, Flavorland Foods, Inc., State of Oregon 113
Prepared statement 114

Setniker, Frank, vice president, Oregon Farm Bureau Federation, McMinnville, Oreg. 154
Shuksan Frozen Foods, prepared statement 108
State of Oregon Employment Division, Department of Human Resources, prepared statement 183
Taylor, Ronald, author of "Sweatshops in the Sun" 44
Prepared statement 54
Tolke, J. D. 39
United Farm Workers of America, AFL–CIO, prepared statement 96
Vandehey, Brad 40
Van Domlen, Marian 41
Von Wald, Deanna 40
Von Wald, Ellen 42
Washington State Farm Bureau, prepared statement 168

ADDITIONAL INFORMATION

Articles, publications, etc.:
Assembly Bill No. 3244, relating to the employment of minors, from the California Legislature, February 26, 1974 211
A Social Tragedy Ripens in the Fields, from the Los Angeles Times, Sunday, June 10, 1973, photograph of 80
Child Labor Practices Collide with the Law, by Ursula Vils, from the Los Angeles Times, June 10, 1973 81
Children Continue To Work In Fields, by Ron Taylor, from the Fresno Bee, June 1972 71
Children in the Fields, by Ronald B. Taylor, from the New York Times, Monday, September 3, 1973 70
Exploitation Continues on Farms Despite Legislation, by Ronald B. Taylor, from the Los Angeles Times, Sunday, February 27, 1972 73
Gondola Kills Infant In Vineyard, from the Fresno Bee, September 13, 1973 79
If You Are Lucky and Get Hired, Avoid the Dangers of Exploitation, by Ronald B. Taylor, from the Los Angeles Times, Sunday, June 23, 1974 75
Tractor Bounces, Kills Boy, from the Capitol Journal, Salem, Oregon, August 7, 1970 78
Communications to:
Elisburg, Donald, counsel, Committee on Labor and Public Welfare, from Howard Fujii, director, research and legislation, Oregon Farm Bureau Federation, Salem Oregon, January 27, 1975 146
Packwood, Hon. Bob, a U.S. Senator from the State of Oregon, from Ralph Robinson, president, Oregon Farm Bureau Federation, March 19, 1973 6
Williams, Hon. Harrison A., Jr., a U.S. Senator from the State of New Jersey, from Leo T. McCarthy, speaker of the assembly, Assembly California Legislature, December 17, 1974 (with attachment) 207
Selected tables:
Estimated number of hired seasonal agricultural workers by selected crop activity during mid-month reporting period 1973–72 141
Estimated number of hired seasonal agricultural workers by source of worker during mid-month report period 1973–72 142
Pole bean harvest employment, Willamette Valley (selected areas), Oreg., August 15, 1974 199
Raspberry harvest employment, Willamette Valley (elected areas) Oreg., July 15, 1974 195
Six-month average seasonal farm employment by source of worker reported during mid-month survey dates May-October 144
Strawberry harvest employment, Willamette Valley, Oreg., June 28, 1974 190
Willamette Valley pole bean harvest, seasonal employment and acres reported August 15, 1967–73 survey dates 145
Williamette Valley strawberry harvest, seasonal employment and acres reported June 15, 1967–73 survey dates 143
Willamette Valley strawberry harvest employment, June 15, 1974 186

AGRICULTURAL CHILD LABOR PROVISIONS OF FLSA, 1974

FRIDAY, DECEMBER 6, 1974

U.S. SENATE,
SUBCOMMITTEE ON LABOR,
OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE,
Portland, Oreg.

The subcommittee met, pursuant to notice, at 9 a.m., in the Ceremonial Courtroom of the Pioneer Courthouse, Senator William D. Hathaway (presiding pro tempore).

Present: Senator Hathaway.

Also present: Senator Packwood and Representative Green.

Senator HATHAWAY. The subcommittee on Labor of the Senate Committee on Labor and Public Welfare will now come to order.

The hearings which are about to start and will last for the balance of the day are concerned with the employment of children in agricultural pursuits. The legislative process is not a static one but rather a continuous means for exploring the dimensions of and possible solutions for today's problems. It is this function of continuous exploration which today's hearing of the Senate Subcommittee on Labor intends to serve.

Some 36 years ago Congress took a decisive step by banning the use of child labor in industry. This move was taken in recognition of a documented history of shameful abuse and exploitation which had become all too commonplace in the factories of our Nation's cities. However, the Fair Labor Standards Act of 1938 continued to permit child labor in agriculture, despite evidence which indicated the existence of much of the same kind of abuse and exploitation which had been prevalent in manufacturing and industrial circles.

For more than 10 years now, both houses of Congress have probed the area of child labor in agriculture. The findings have shown that, as a general proposition, such employment is, on balance, detrimental to those involved.

The Senate Labor Committee spoke on this subject most recently in its report accompanying the 1974 amendments to the Fair Labor Standards Act. The committee concluded that in general child labor in agriculture was physically and mentally detrimental to the health and well-being of participating children, acting as a social depressant, stunting their intellectual growth and capacity, and resulting in economic exploitation negatively affecting the local adult wage rate.

This year Congress adopted legislation which prohibits the employment in agriculture of all children under the age of 12 except those working on farms owned or operated by their parents or persons

standing in place of their parents, or with the consent of their parents or persons standing in place of their parents on farms exempt from the minimum wage and overtime provisions of the act by virtue of the 500 man-day test. In both of these exceptions, the children must be employed outside of school hours in the school district where they reside.

Children above the age of 11 but below the age of 14 are prohibited from employment in agriculture unless such employment occurs outside of school hours in the school district in which they reside and this employment is either with the consent of their parents or persons standing in place of their parents or they are employed on the same farm as their parents or persons standing in their place.

Children age 14 and over are not prohibited from employment in agriculture by the child labor provisions of the act as amended.

The committee has recently been urged to consider that there may be certain circumstances in which the employment of otherwise underage children in agricultural pursuits would not be a detriment to Congress' overall intent to protect children from abuse and exploitation, and that these circumstances warrant further legislative attention.

Advocates of such a view have suggested that the 1974 amendments have created isolated situations of severe economic hardship which could be legislatively remedied without any negative side effects on those children now thought to be protected.

It is the intention of the subcommittee to examine the arguments both pro and con for this position within the framework of the three premises on which the decision was made to prohibit the employment of children under 12 from agriculture, that is, the physical effects on the children, the social effects on the community, and the economic impact on the area's wage structures.

This morning we have for our first witness the distinguished Senator from Oregon, my colleague in the Senate and my very good friend, Hon. Robert Packwood.

Bob, welcome to the hearing. You may proceed.

STATEMENT OF HON. BOB PACKWOOD, A U.S. SENATOR FROM THE STATE OF OREGON

Senator PACKWOOD. Thank you very much, Mr. Chairman.

What I would like to do is read a portion of my statement and put the rest of it in the record with some additional comments. Then, if I might join you and sit and listen to some of the witnesses, I would appreciate it.

Mr. Chairman, first let me renew my thanks for your willingness to come West to examine more closely the role of young Oregonians in agriculture, and particularly in strawberry and bean picking during the summer months.

I have found that many of our eastern colleagues have difficulty visualizing the real nature of summer strawberry and bean picking and cannot in their minds differentiate it from their associations with abusive child labor in the 19th and early 20th centuries. In fact, I believe it would be fair to say that the under-12 prohibition stemmed from a genuine concern for the well-being of our young people.

But I dare say you would not find so many outspoken opponents of the new prohibition against children under 12 picking beans and berries if those historical conditions of child labor existed here in Oregon today. On the contrary, bean and berry picking by our young people today is truly a positive experience, and also an important factor in Oregon's agricultural economy.

The hundreds and hundreds of letters I received from angry and disappointed young Oregonians upon their first learning of the ban amply attests to the value placed on their picking experiences. These young people look upon picking as one of their few opportunities to earn some spending money. And their parents see it as an important first job opportunity which helps teach responsibility and provides the sense of satisfaction we all feel from having earned our way.

Mr. Chairman, I will comment in a moment on the economic impact of the under-12 ban, but let me first voice my personal conviction that questions of economic impact would be meaningless if it could be shown that bean and berry picking by youngsters under 12 years old were truly a dangerous or abusive practice, or it were related to the needs of migrant children. It should be emphasized that we are unanimous in our concern over the welfare of migrant children, and agree that these children need and deserve special protections. We would also concur in the strong belief that all youngsters be protected from dangerous or abusive practices in agriculture or elsewhere.

The remedial legislation which Senator Hatfield and I have sponsored, and similar legislation in the House of Representatives, reflects these concerns. Our recommended legislative change would apply only to local hand harvest labor, not to migrant children. The legal protection enacted earlier this year would continue to apply in the latter instance. And our recommendation would leave in place existing prohibitions against children participating in jobs which are dangerous, and would limit the maximum period of allowable work to 13 weeks per year. Parental consent would continue to be required.

On the question of danger—is berry or bean picking dangerous?—the Oregon Workmen's Compensation Board reports no serious injuries among the 10,000 children under 12 who worked harvesting beans and berries in 1973. The board reports only seven minor injuries, and even of this infinitesimal number, several were clearly not related to berry and bean picking (for example, a bruised back from falling off a ladder). Clearly, if bean and berry picking were a hazardous activity, neither parents nor children would be as anxious as they are to participate.

Now, Mr. Chairman, may I take a moment to place the role of young Oregonians in the perspective of Oregon's agricultural economy. Removal of young Oregonians from the opportunity to pick beans and berries has a ripple effect which would more aptly be described as a tidal wave.

First the 10,000 to 14,000 young pickers themselves stand to lose close to $1 million in summer income. With the additional lost income by those over 12 who would be forced from the fields (mothers and siblings), the total lost income from picking would approximate $1½ million.

Oregon's farmers, who have just recovered from devastating transportation rail and shipping failures, would lose something in the

vicinity of 9,000 tons of strawberries alone, and together with Washington's farmers, would sacrifice approximately $4 million in lost income.

Next the processors. Oregon and Washington together have 33 strawberry processing plants, small companies which of course are highly dependent upon the pickers and farmers for continuation of their operations. The current under-12 prohibition would mean the loss of about 1,800 jobs in these processing plants, and a reduced payroll of about $1½ million. It should be noted here that many of these employees—also seasonal workers in many cases—are adults without otherwise marketable skills. Without processing jobs, they would in many cases be forced to seek lower paying jobs in picking or elsewhere.

And what about the processing plants themselves? Processing plants operate only seasonally, during just a few months of the summer and fall. The season begins with strawberries, and there is no substitute product. Without strawberries, processing plants would just not operate until later crops come in. Seasonal processing already carries a heavy burden. That burden would be increased, and importantly, shifted over to other products, and reflected in further increases in processed foodstuffs. And neither the Chairman nor this audience need not be reminded about the meaning of rising food costs. And so the ultimate impact falls on the consumer, who is already too much overburdened with the effects of an inflationary and now recessionary economy.

Mr. Chairman, for those who are interested, let me explain how this ban crept into the law. It is one of those situations where perhaps you lose contact with those most affected. The under-12 ban did not just jump full blown initially into the present minimum wage law. It had appeared in the 1972 bill in the Senate and that bill failed to pass in the House. It appeared the next year in the bill that passed both the Senate and the House and was vetoed by the President and that was sustained. It finally appeared in the bill that passed the Senate and the House and was signed by the President.

Three times the bill had a provision to limit work in agriculture to those over 12. I received a letter dated March 19, 1973, from Ralph Robinson, who was then the President of the Oregon Farm Bureau Federation, setting forth their objections to the bill we were then considering. The only recommendation that related to age, and I am quoting, was to "preserve the opportunity of young persons 12 or 13 years of age to seek nonhazardous work on farms with parental consent when school is not in session." There was no reference whatsoever to children under 12.

So I think most of us in this delegation assumed that agricultural employers did not have an overwhelming concern with a limitation at age 12. Frankly, the ones we failed to talk with were the children, the ones who wanted to pick. Most of us could recall in our childhood experiences picking raspberries, strawberries, picking beans at 9, 10, or 11 years of age. But this is a constituency that doesn't vote, and didn't write to us. It was only when they were denied the opportunity to do what they had done historically that the outcry came. And they were only denied that opportunity after the law had passed.

I think we made a mistake; I think the law should be changed so that those who are 9, 10, or 11 who want to pick, who have never found

it to be a dangerous occupation, who are not exploited and don't have to go pick if they don't want to, should be allowed.

I might say our bill emphasizes quite carefully that we are not trying to go back to the abuses of having young children, migrant children, pick. The bill is drafted to apply solely and historically to those indigenous children who are living in Oregon and who are permanent residents and would not be a return to the abusive migrant child labor practices that we are so familiar with.

So I would urge, Mr. Chairman, that we finish the hearing and get this law changed as quickly as possible so by the time the next picking season starts—that is anytime from mid-May onward, depending on weather conditions—we have to have the change by that time for picking in late spring and next summer.

Mr. Chairman, I will not take any more of your time this morning, except to emphasize that I believe the Congress has made a very large mistake in preventing our youngsters from doing what so many of us here today did at their age. It's a tradition, and an economically valuable one, which I hope we will be able to restore before the next picking season.

Thank you very much.

Senator HATHAWAY. Thank you very much, Bob.

I understand that with strawberry picking there is no loss of time from school.

Senator PACKWOOD. That is correct. The strawberry season again depends a bit upon the weather but it just about coincides with the end of school.

I wonder if I might have the letter from the Oregon Farm Bureau Federation of March 19, 1973, placed in the record at this point.

Senator HATHAWAY. Yes. It will be placed in the record at this time.

[The letter referred to follows:]

Oregon Farm Bureau Federation

1730 Commercial Street S.E. P.O. Box 2209
SALEM, OREGON 97308
(503) 581-1486

March 19, 1973

Honorable Bob Packwood
United States Senator
6327 New Senate Office Building
Washington, D.C. 20515

Dear Senator Packwood:

We wish to express our concern over several bills that have been introduced in Congress to increase the agricultural minimum wage and delete or modify the conditions related to coverage of agricultural employment.

We are in accord with and support the policies adopted at the most recent annual meeting of the American Farm Bureau Federation in Los Angeles, stating:

"Proposals to amend the minimum wage, maximum hour, and child labor provisions of the Fair Labor Standards Act are expected to be considered by the Congress early in 1973.

Some proposed changes would exert upward pressures on costs and prices, increase unemployment of those least skilled, adversely affect our position in world commerce, and increase deficits in our international trade and balance of payments.

In consideration of the revisions in the Act we shall endeavor to: (1) Preserve the exemption from overtime now applicable in agriculture. (2) Preserve the present provisions of the Act relating to coverage of minimum wages in agriculture. (3) Preserve the partial exemptions from overtime now applicable to agricultural processing and handling operations. (4) Avoid adverse impacts on the wage-price structure, employment and trade by opposing increases in the level of minimum wages. We shall support such moderating proposals as may be feasible. (5) Preserve employment opportunity for young people, and the elderly or handicapped, by providing a reduction in the minimum wage otherwise applicable to them. (6) Preserve the opportunity of young persons 12 or 13 years of age to seek non-hazardous work on farms with parental consent when school is not in session. In most cases the employment of minors is socially and individually desirable. Work experience is an essential part of the educational process and helps develop self-reliance and self-respect."

We certainly object to the provisions of the bill approved by the Senate in the past session. These provisions would work a hardship on Oregon farmers; eliminate the opportunity for employment of youth, handicapped, retired people and others who are employed in seasonal agricultural operations for short periods of time. Oregon produces many specialty crops that require high seasonal employment and provisions of a similar Senate bill, if approved by Congress would eliminate the production of these crops and eliminate this opportunity for employment in our state. HR 2831, which is similar to the proposal approved by the House in the past session, would be much more acceptable to agriculture as its provisions recognize our special problems and would minimize the effect on historical practices of Oregon's agricultural employment.

There seems to be great concern by the public over increasing costs for food. Restrictive provisions that will increase costs in employment will further reduce the food supplies and result in increased prices, particularly for a number of Oregon specialty crops. We sincerely hope that you will consider the economic effect of eliminating production here and increasing the imports needed to supplement the food supply. We believe enactment of increases and coverages of minimum wage requirements would have the following adverse consequences:

1. Cause more unemployment of workers with limited skills and qualifications.
2. Increase cost of welfare and related programs.
3. Make it more difficult to avoid cost and price increases.
4. Increase our balance of payments and trade deficit problems.
5. Increase pressure on the dollar.

Careful consideration of these factors as related to the proposed minimum wage legislation will be appreciated.

Sincerely,

Ralph Robinson

Ralph Robinson, President
OREGON FARM BUREAU FEDERATION

Senator HATHAWAY. As you mentioned, it is a purely voluntary operation on the children's part and they don't have to work if they don't want and they don't have to work any particular number of hours, if they want to pick 2 or 3 hours and quit and go home.

Senator PACKWOOD. Most of us, I think, can recall when we picked as children. Some of us picked 2 or 3 hours and some of us picked 6 or 7 hours. Frankly, I recall some of my classmates didn't like it. It was hot and you sweat a lot out in the field and some didn't pick at all. But that is no reason to deny the opportunity to those who want to pick simply because some of them chose not to.

Senator HATHAWAY. Is the nature of the picking job difficult or burdensome physically?

Senator PACKWOOD. No, it is not difficult. If you are picking strawberries—they are a low plant—you have to get close to the ground. It is not like standing. You are moving along on the ground. There is an amazing difference in the rapidity with which experienced and inexperienced pickers can pick. That is why someone will say a child picked all day and made $1.50 or $2 while another child will make $4 or $4.50. There really is a talent to picking strawberries fast and some children pick it up well and some don't. I think the ones who pick it up well are the ones that are inclined to stay all day and pick and those that don't try it for 2 or 3 days and decide not to come back.

Senator HATHAWAY. The children don't use any machinery?

Senator PACKWOOD. No. Strawberry picking is a hand-picking operation. They pick and take the berries over to the end of the line to where the trays are counted. The number of boxes are counted and weighed. There is no machinery involved at all.

Senator HATHAWAY. Thank you very much, Robert. We welcome you to the hearing.

Senator PACKWOOD. Thank you, Bill.

Senator HATHAWAY. Thank you.

At this time we will place in the record the statement of Senator Mark Hatfield who could not be with us today. The statement will be made part of the record.

[The prepared statement of Senator Hatfield follows:]

PREPARED STATEMENT OF HON. MARK O. HATFIELD, A U.S. SENATOR FROM THE STATE OF OREGON

Mr. Chairman, I would first like to take this opportunity to thank you for holding this day of hearings in Oregon on the Fair Labor Standards Amendments of 1974 (P.L. 93-259). As you are aware, section 25 of this law, prohibiting the employment of children under the age of 12 in agricultural harvests except under very limited circumstances, has caused great concern among the people of this state.

They are concerned for good reason. The application of section 25 will immediately eliminate temporary job opportunities for over 5,000 young Oregonians; it will seriously threaten the economic future of certain Oregon crops, most notably strawberries, which have historically been dependent on students of all ages for their harvest; and, by so threatening these crops, the law will place in jeopardy the future job opportunities of some 38,000 older pickers, adults and teenagers alike.

Additionally, thousands of Oregon jobs in cannery and transportation operations are threatened by this action of Congress.

I would like to make clear to the committee the gravity of this situation in Oregon, the pressures that the agriculture industry has come under in recent years, and also statistical data and personal recollection which reflect the conditions under which Oregon children have worked for years. I am hopeful that, when all the evidence has been compiled, the committee will understand the need for immediate action to amend section 25 of the Fair Labor Standards Amendments of 1974, to allow for their participation in healthy and constructive environment.

After the ban on children working in the fields became known, I received a storm of letters from outraged Oregonians who believed that Congress, in imposing the ban, had not taken Oregon's situation into account. In a little over a month I received 1,200 letters from children, educators, and parents. They were accompanied by editorial protests, and by telephone calls from concerned growers who saw no recourse but to plow under their crops.

Many of the letters I received were from children under the age of 12. I would like to give the committee some examples of what these young Oregonians had to say. From a young man:

> Will you please try to change the law about strawberry picking? I don't have any other way to make money now. My sister can't pick strawberries because my Dad works and my Mom picks with my sister and I can't stay home alone and I can't pick so I don't know what I'm going to do

Or another letter, this time from a young lady:

> I am writing about the berry picking. I really think that people 9 and over are quite capable of picking berries. I am in the fifth grade and I really think that we are capable of picking berries. I wanted to save some money for a horse because I am a horse lover. I have been a horse lover ever since I was three. Now I am 11. Well I guess there's not much more that I can say except I think the people that voted on it are like my mother, there (sic) worry warts!

These children suddenly found themselves out of work, work that gave them a feeling of independence and self-worth, work that they engaged in in the summer for, an average of 3 to 4 weeks. But there was another serious factor which resulted from the elimination of these jobs. It was summed up in a telegram sent to me by Governor McCall on May 25. The telegram read as follows:

> We urgently request all possible immediate action through legislative and administrative channels to allow children under 12 to assist in the berry and bean harvest in Oregon. These young people working with their parents or brothers or sisters are not exploited child labor. They are local residents who are earning spending money and learning the value of working while helping to harvest an important food resource. An estimated forty million pounds of strawberries grown on eight thousand acres could go unharvested in the next three weeks if families are forbidden to bring their children to the fields where they work. 54% of past crops have been picked by young people under 14 years of age and 16 percent of those under 12. The impact on the availability of adult workers will be severe if prohibited from bringing their children to the fields. An economic loss of ten million dollars is a real possibility. This loss of food is indefensible. Please exert every effort to obtain an immediate exemption.

As the Governor's telegram indicated, the detrimental effects of this legislation on the Oregon strawberry industry, one of the largest agricultural harvests in the State, would be particularly dramatic. What I hope to indicate to the committee today is that, not only

would the under 12 ban cause serious short-term damage to the industry, but that, if left unchanged, the law may signal the demise of the entire strawberry industry in Oregon.

Fortunately, last summer's strawberry harvest was saved by a preliminary injunction granted by U.S. district court on June 22. Following a suit filed by Mr. Larry William Keely, an Oregon strawberry grower, which claimed section 25 of the act to be unconstitutional.

In September, the court ruled that the law was constitutional. But, in its decision, the court clearly placed the decision on whether the law was justified in Oregon's situation, back on the Congress:

> The 1974 amendments may be unnecessarily broad. *Perhaps Congress can write more flexibility into the act to exempt forms of agriculture in which oppressive child labor conditions do not exist.* But the determination of the particular evils, conditions and persons to be regulated and the means to accomplish the protection or promotion of interstate commerce is *within the exclusive province of Congress, not the courts.* (emphasis added)

ECONOMICS

Before addressing myself to the conditions under which these children work, I want to emphasize the critical economic importance attached to the participation of these young Oregonians in the harvesting of strawberries, and, in addition, why it will be extremely difficult, if not impossible, to replace them with other sources of available labor. I might indicate at this point that I use the strawberry industry as an example only because it is the largest among all Oregon berry and pole bean crops economically dependent on the temporary participation of young people. To varying degrees similar difficulties face other of these crops, such as raspberries, blueberries and pole beans.

SHORT-TERM DISRUPTION

As Governor McCall's telegram of May 25 indicated, the immediate, economic loss resulting from the under 12 prohibition will be severe. In 1973, Oregon's department of employment statistics indicated that over 38,000 people participated in Oregon's strawberry harvest. Some 5,800 of these workers were children under the age of 12. These young Oregonians, then, represented 16 percent of the working force. Were it not for the June decision of the district court to grant a temporary injunction, there would have been, at minimum, an immediate 16 percent reduction in the labor force.

What cannot be accurately estimated by the employment division, however, is the additional loss of workers which would have occurred if the ban had taken effect.

Estimates varied, but it was widely assumed by growers and State officials alike that an additional 5 to 15 percent of the legally eligible working force would have stayed home. These added numbers of unemployed would be brothers, sisters, or parents who would not work because the prohibited child could not accompany them to the fields to help pick.

The difficulties of this situation are, I think, obvious. If a mother chose to go to the fields, leaving her child at home with a full-time babysitter, she would by rule of Congress in another section of Public

Law 93–259 be obliged to pay the babysitter the minimum wage, of $2 an hour. She would, therefore, make little, if any profit for her day's effort in the field.

Another immediate result of the law would be the laying off of significant numbers of cannery workers as well as others whose seasonal jobs are dependent on the full harvesting of strawberry crops. It might also be predicted with certainty that the under 12 ban would cause an increase in retail price to the consumer, and that thousands of dollars in State taxes would be lost.

This, however, would be only the immediate short-term impact, in response to similar economic situations, traditional belief has argued that recovery from such a labor loss will result, if prices paid to fieldworkers are increased. If such a price increase were sufficient enough, added workers would, the argument goes, be drawn into the labor force. This supposedly would compensate, in the case of strawberries, for the 16 to 25 percent void Congress created by passing Public Law 93–259.

The rapid increase in international competition in the strawberry market, however, helps in proving this assumption wrong when applied to the northwest strawberry industry. Put simply, an immediate and significant rise in prices paid to harvesters is an economic impossibility at this time, as a study of the international competitive market illustrates.

MEXICO

The major single source of competition to Oregon strawberry growers and processors does not come from inside the United States, but from Mexico. It is primarily this burgeoning competitive force which is causing the slow, economic strangulation of the Oregon Strawberry industry.

Oregon deals almost solely in the production of processed (frozen) strawberries. This has been its tradition for years. Picking strawberries for processing requires less selective picking than is needed for fresh market produce. This is one reason why Oregon farmers have welcomed the temporary help of children in this pursuit, and why it is one of the few work activities that young Oregonians can engage in.

In recent years, Mexico has produced increasing amounts of processed strawberries, which it, in turn shipped, into the U.S. marketplace. Its growth within the past decade has been extraordinary.

In 1964, according to the Department of Commerce, Mexico exported 35.3 million pounds of frozen strawberries into the United States. In December of that year, however, the Bracero Program was terminated. This program had allowed hundreds of thousands of Mexican laborers to legally enter the United States each year to help harvest fruit and vegetable crops in the Southwest United States.

The effect of the termination of this program on the Mexican strawberry industry was almost immediate. Spurred by private U.S. investments, imports of processed strawberries more than doubled in the 2 years, to 73.7 million pounds. The quantum growth of this industry continued until, by 1973, imports of frozen strawberries alone had reached 116 million pounds. Again I emphasize to the committee that these imports are the major source of competition for Oregon and Washington in U.S. market consumption.

44-619 O - 75 - 2

The total estimated U.S. consumption of processed strawberries in 1973 was about 280 million pounds. In less than 10 years, Mexican imports increased 330 percent. With the help of private investment from this country, Mexico now controls 41 percent of the U.S. market.

In direct contrast, production of processed strawberries in the States of Oregon and Washington has dropped in proportion to the rise in competition from Mexico.

In 1973, these two Northwest States produced 64 million pounds of processed strawberries. Oregon produced 64 percent of this amount, or 41 million pounds. In 1964, before Mexican imports began an exponential growth pattern, Oregon alone produced 96.6 million pounds, or 43 percent of the total national consumption in that year. By 1973, Oregon's figure had been reduced to 14 percent. There are varied reasons for this dramatic reduction in Oregon's strawberry production. Higher labor costs, land development, unseasonable weather, and deterioration of plant conditions in some areas, all contributed to this decline. But none are more significant than the massive growth of Mexican imports.

How can this enormous growth be explained? What attracted U.S. interest below the border to compete with small growers in the States of Oregon and Washington? An examination of labor cost and other economic factors in Mexico explains a great deal.

In 1974, according to the U.S. Department of Agriculture, the average wage paid to Mexican fieldworkers was 47.89 pesos per day, or just under $4 per day. In 1964, they were paid $2 per day. In 1974 in Oregon, an average picker earns about $20 per day. Labor costs alone for Oregon growers are, then, five times greater than the labor costs incurred by their largest competitor.

In addition to cheap labor, investors in the Mexican strawberry industry pay an extraordinarily cheap price for sugar. This is a critical economic factor in that sugar consists of an estimated 20 to 25 percent of the total volume per unit of processed strawberries.

In Mexico, sugar prices are strictly controlled by the government agency known as Union Nacional de Productors de Azucar (UNPASA). The current price for sugar is 8.4 cents per pound. This price reflects a 48 percent increase instituted by that agency in 1970. For 12 years prior to that date, the price of sugar was 4.3 cents.

By contrast, the October price of sugar in the Northwest was 56 cents per pound or nearly seven times as great as in Mexico. Unfortunately, this figure is projected to climb still higher in the months ahead. Oregon strawberry processors indicate that fully half the cost of a unit of processed berries is realized in sugar costs.

Abundant sources of cheap labor and officially depressed sugar prices have combined with other factors to make Mexico the largest regional producer of processed strawberries in the world. Mexican processed strawberry imports currently are 8 cents less per pound than those produced in Oregon.

Oregon growers compete with Mexico, and with U.S. private interests in that country as well. The Department of Agriculture indicates that U.S. private investments in Mexican agriculture has exceeded $150 million in the period 1964–1974. This figure, however, represents only a fraction of total investments. The Department has

no data on investments in the processing, packaging and transportation of goods to U.S. cities.

Although the Department of Commerce indicates that total U.S. investment in the Mexican strawberry industry is unknown, the extent of it is reflected in a letter sent by the president of a large strawberry packing association in Mexico to the U.S. agricultural attache in Mexico City. The letter was dated December 30, 1966. I quote from its final paragraph:

> Before ending, I wish to mention that our Government has given every facility to all American companies who have come to Mexico, such as Del Monte, Heinz, General Foods, Nestle, Gerber, Carnation, and many others. There is much American capital invested in the strawberry industry and any action taken against this exportation . . . would greatly hurt not only the good neighbor relation and the Alliance for Progress Program, but also the American capital invested in this industry of strawberry freezing in Mexico.

Since this letter was written, Mexico imports have increased 160%.

The significance of this Mexican competition cannot be overemphasized. These imports affect, in the most fundamental way, any consideration about the ability of Oregon growers to survive an immediate 16–25% labor force reduction. They also govern the ability of Oregon growers to offer yet higher wages in the hope that older pickers would be attracted to the fields. If section 25 is not amended to allow for children working under healthy and constructive conditions to again participate in Oregon berry and bean harvests, it becomes apparent that not only are the children's job opportunities eliminated, but others as well. By prohibiting children under 12 from participating in the harvests, Congress has dangerously added to the economic burdens of small Northwest strawberry growers. As a result of increased Mexican imports these burdens were already extreme *prior* to passage of Public Law 93–259. With the added difficulty of trying to replace these children by older persons who, according to a 1967 Washington State Labor Department survey, are reluctant to pick even with an economic incentive, Congress will hasten the decline of one of the largest agricultural industries in Oregon. Moreover, this decline will occur with little hope of future recovery. In that event, we are not talking about job loss for only 5,500 children, but, potentially, 38,000 teachers, students and parents who depend on these summer harvests for added family income. We might also add to this figure additional job losses which will surely occur in related industries. Such a loss would be intolerable during these inflationary times when families are struggling to keep pace with the high cost of living.

CONDITIONS OF EMPLOYMENT

Mr. Chairman, these economic disruptions would have to be endured, however, if it could be proven that children under the age of 12 are indeed exploited in Oregon's agricultural harvests, or that they are working under conditions detrimental to their health and well-being.

I might first speak to this matter from personal experience. I picked in the fields of Oregon as a child, using the money I earned to buy school clothes and to help my parents pay for my education. Like the majority of young Oregonians who help with the harvests, I did this for a period of 3 to 4 weeks. To this day I consider this temporary

activity a valuable and healthy work experience that a child under 12 years of age can obtain nowhere else. I might also add that I consider a few weeks of work in the fields during the summer months to be far less dangerous than delivering papers, 7 days a week, 52 weeks a year, often in early morning hours. Yet there is an exemption for paperboys and girls under the act.

All those who help in the harvest, young and old alike, are covered in Oregon by the Workmen's Compensation Act. The Oregon Workmen's Compensation Board reports that, in 1973, a total of eight injuries to children under the age of 12. As I indicated earlier, there were over 5,000 children under 12 participating in the strawberry harvest alone. One of these 8 injuries was fatal. It was suffered by a 10-year old child who was struck by a car while riding a motorcycle on his family's farm. As the chairman is aware, the 1974 amendments could not have served to avoid this accident; this ban on young children does not apply to young children working on family-owned farms.

The other seven injuries were all minor, ranging from cut wrists and a cut hand both coming from falling on berry crates, to a rash that one child developed coming in contact with a spray. These seven injuries required only minor medical attention. This short list of injuries is indicative, I believe, of the safe conditions under which these children work.

Oregon State law prohibits these children from participating in harvests while school is in session. During the summer months of harvest, the great majority of these young Oregonians are brought to work in school buses. Often a child's teacher or parent will supervise their work and their transportation to and from home. The buses leave the fields by 2 o'clock in the afternoon. This is done to avoid making children work in the hot afternoon hours.

The children are paid the same rate as adult pickers. Unlike the exploitative conditions which occurred early in this century in the factories of the east, the children in Oregon are not paid less than adults, they are not forced to work long hours near dangerous equipment, and they do not labor year round, but rather, for a few weeks in the summer months.

Mr. Chairman, I believe the prohibition of children under 12 working in the fields was primarily born of congressional concern over the plight of migrant families. I share that concern and in no way seek to return to the sad traditions of the past—traditions that have seen young migrant children traveling the country with their families year round, attending school infrequently and thus losing all chance to lead productive and meaningful adult lives. I applaud the efforts of Congress to stop this historic abuse of these migratory children, and to break the continuing cycle of poverty and neglect that has characterized their lives in the past.

In legislative language presented to the committee on June 7 of this year, I sought only to accomplish a change in the 1974 amendments which will allow the children of permanent residents of my State to again help harvest crops in the healthy and constructive environment which has characterized Oregon's traditional experience with its children. Any reasonable and rational change which will accomplish this purpose will be greatly appreciated by both me and my colleagues in the Oregon delegation.

It is essential, however, that such change be realized by early 1975, so that growers may plan their harvest for the coming summer.

Thank you, Mr. Chairman.

Senator HATHAWAY. The next witness is the Honorable Vera Katz.

STATEMENT OF HON. VERA KATZ, OREGON STATE LEGISLATOR

Mrs. KATZ. Thank you, Mr. Chairman.

Senator HATHAWAY. Do you have a written statement?

Mrs. KATZ. No. I apologize. We are in the interim session now. We have no staff and no secretary and my husband doesn't type. So you will have to bear with me.

Senator HATHAWAY. That is quite all right. Go ahead.

Mrs. KATZ. I have some information that I think should go into the record.

My purpose in testifying today is basically twofold. One is an attempt to present the issue of child labor in agriculture in Oregon in some rational perspective and to share some data that I was able to uncover and analyze regarding the extent of the problem.

Second, I would like to give you a background of Oregon's legislative history in this field.

My own background, I have been involved in this work in Oregon since 1968 as chairman of a coordinating group under Bob Kennedy. We researched the field and came up with a document called "The Green Ghetto", with legislative recommendations. I lobbied as a citizens' lobbyist in 1969 and 1971 and as a member of the legislature in 1973.

My knowledge in the area is limited. I represent the inner city, although I do represent agricultural constituents. What is evident to me, what was evident to me as a citizens' lobbyist and currently as a legislator in that Oregon, by its policies, administrative procedures, programs, and fundings has almost no meaningful data on its labor force which is employed in our second largest industry. Not having any information, it follows that we have no problems.

The void is evidenced by significant lack of records, statistical information on its labor force, lack of enforcement procedures, and, most of all, lack of legislation. I am convinced we have more relevant information on the Oregon tussock moth than we do on the 56,000 people employed in harvesting our crops.

Incidentally, at least in 1969, Oregon was the fifth largest employer of migrant labor in the Nation. Now, 20 percent of our labor force is employed in agriculture. Interestingly enough in 1973—and I don't have all of the figures for 1974 in Oregon—the migrant labor force totaled 1,850 at a peak period, much higher than in 1970 or 1972. Also interestingly enough, at least in the last few years, as our labor force, total labor force, declined roughly 10 to 14 percent, we are losing more local farm workers than migrants. That is not concentrated so much in the valley, but at least it is concentrated in other parts of the State.

If we focus now specifically on the Willamette Valley and strawberry growers, we find several things: The claim by Plaintiff Kelly in Kelly versus Brennan that children under 12 represent 30 to 35 percent of the labor force or the claims by the Oregon Agribusiness Council that they represent 30 to 35 percent of the labor force. I find that, in the data I have collected in the past week or two, totally inaccurate.

The Oregon State Employment Service indicates the figure to be 13 to 15 percent, or 4,000 to 6,000 children. At Hillsboro where I believe Mr. Kelly's farm is located, or at least in the Washington County area, we are talking about 1,440 kids or 13 percent employed under 12. You might be interested in knowing that the total berry force was 31,400 in 1974.

In addition, we find that the number of growers is declining from 736 in 1971 to 427 in 1974, down to 42 percent. No one knows, not even the United States Wage and Hour Department, how many of these growers meet the 500 man-days test.

I hate to ask any further questions on how many of these camps are inspected while collecting data on camp inspection, but nobody knows who those growers are, nobody knows what kind of records they keep, and nobody knows if they are enforcing any Federal legislation, period.

The acreage is also dropping by 37 percent since 1971. It is down now to 6,179 acres. The number of workers, however, during that same period is slightly increased. But more significant is the relationship between the acres involved and the number of workers per acre. The number of workers per acre has been increasing since 1967.

I don't know how many of you received the 1973 annual Rural Manpower Report but there is a chart here that shows the relationship between acres and workers. You will note that the number of workers per acre last year was 5.8; 1974 is 5.1, in 1971 it was 2.9; 4.2; 3.3; 4.4. In 1971 the ratio was 2.9 workers per acre.

I went back to these rural reports, which is really the only thing that we as legislators or citizens have to go back and find some information on our labor force, to see if there were any supply problems for hand harvesting crops in general and berries specifically. In checking the 1971 rural book in Albany, and I quote you, this is with a ratio of 2.9, "a high unemployment rate and strong school recruitment programs for seasonal student workers resulted in a generally adequate labor supply."

In Albany that year, they had a 1.7 worker ratio per acre. In Lebanon they had a 5.0, which is natural. In McMinnville, "only slight shortages, soon resolved by radio and TV ads", and their ratio was 3.3. In Salem, "excellent response from school recruitment"; their ratio, 2.6. Oregon City, good recruitment, their ratio was 3.2. In Hillsboro 1971 was the first year the strawberry harvest has no insurmountable worker shortages. Their ratio was 3.3.

The ratio went up to 4.7 in 1972, 5.8 in 1973, and 5.1 in 1974. The narrative in those years also suggests that there was an adequate supply and in some cases a surplus, in some of the areas we are talking about. Where there was a shortage, it was soon met with local TV and radio ads and a strong recruitment in the schools.

Taking this whole mathematical gymnastics one step further, if we can project what is going to happen in 1975 and 1976, what I did was calculate the percent of decrease of acreage first anticipated for the next couple of years and then projected the employment needs for a 4.5 ratio and a 5.0 ratio, rather high. The next step was to see how much less labor was going to be needed and then could we eliminate that under-11 age group for the market force. I won't belabor you with that.

It was evident that, with a ratio of 5.0, we needed another 1,315 children out of that particular age group under 12. For 1976 if you keep projecting the drop in acreage, and I did it by comparing the 1973–74 drop in acreage, the ratio is rather high, since the information I gave you a few minutes ago is based on a 2.9. I would venture to say that with the high employment rates in the valley in 1974—and I know you wanted that data and I will briefly run down it—Washington's SSMA area is 6.2 in June of 1974; Lind, 8.0; Yamhill, 9.4; Benton, 6.9; Blaine, 7.9; the total State average was 6.2.

If we anticipate a decrease of acreage, then the subsequent decrease in labor needs would, in effect, eliminate the need of using children under 12. I think the effect would be minimal and in some cases not felt at all.

I would like to quote a statement from Albany, which is in the Willamette Valley, from 1972:

> **There was an adequate supply of seasonal farm workers throughout the '72 harvest season. A strong school recruitment program, combined with a surplus of unemployed industrial workers provided an ample number of harvest workers.**

There was a question raised in the hearing a couple of weeks ago, if the unemployment rate was high, would they be able to fill those jobs. What I am illustrating here is that at least in the narratives in these reports they did. Other data is really not available to us except that we know the unemployment rate was high.

After reading the material, the following information became very clear: One, where an attempt was made to recruit workers through prearrangement with schools and employment departments and providing transportation in areas very hard to get to, no lasting shortage was evident for the years 1969 to 1973. Two, that it is not the lack of supply of labor that is the problem but the lack of demand for it and in this particular case the decrease in acreage due to mechanization, urbanization, and the lack of housing for migrant workers in the valley.

I want to touch for a few minutes on health. There are some questions that arise. What about the health standards in the fields and what about our inspections? I spent 2 days on the phone with our Bureau of Labor and Occupational Health, some farm workers in Oregon, and the Agriculture Department, and I have a few things to report to you.

Both the Bureau of Labor and the Department of Health are responsible for some inspections. In the 1970 report, the Oregon Migrant Health Report, it was shown that there were 821 farm labor camps in Oregon; 315 of them failed to meet standards. Of those, 165 stayed open and 42 were never inspected; 25 percent, then, were in violation of Oregon law. I think that is rather high, but the picture is far worse in 1973 and 1974.

Our Occupational Safety and Health Act (OSHA) law—and I stand corrected if I am inaccurate—doesn't require inspection of camps or fields prior to their opening and because of lack of personnel most of the work is limited to complaints. The Bureau of Labor in the valley did 75 field inspections and found 23 unsatisfactory and went back only 7 times. They did 44 camp inspections and found 12 satisfactory and 8 unsatisfactory and 23 didn't operate.

Only one inspector in Marion County—again, that is in the valley—is hired by the Bureau of Labor to specifically inspect camps.

Now the Department of Health record is far worse than that. I don't blame them, and I don't want them to be defensive; in many cases it is not their fault. In the valley in 1974 there were several camps: Benton, 2; inspection, 1; no fine, 3 violations. Clackamas County, 40 fields and camps, no inspection. In Lane they didn't even know how many fields and camps we were talking about, so there certainly were none. Linn, 10 camps, no inspections. Marion County, 130 camps, 7 inspections, 1 was OK, 5 weren't open yet, 1 was out of business; 1 followup, no fine. Washington County, 36 camps, 1 inspection. There was no record of Mr. Kelly's camps who hires or claims to hire 500 to 600 children. There is nothing, at least in our State records, to see if his camp was inspected to meet our standards, which aren't very high in the first place.

In Yamhill, 23 fields, 8 inspections. You total them and you are talking about 241 camps in this area with a total of 17 inspections. If we take a look at the whole State, we are talking about 825 camps with 200 inspections, one-fourth of the camps.

The figures speak for themselves. The fields that our youngsters—I don't care if they are local, white, Anglo, middle-class Chicano, poor Chicano—those fields they are employed in are not adequately inspected. In fact, our inspection program as far as I am concerned is nonexistent. I hope if I have anything to say at this next session they will be funded properly so they can do it adequately.

Now on pesticides.

Is it all right if I continue?

Senator HATHAWAY. Go ahead.

Mrs. KATZ. Oregon has no law directing the usage or the handling of pesticides, no mandatory inspections, no notification of spraying. The program that we have, which is probably the program of a lot of other States, is purely educational, based on good will and a few prayers.

It is true in the strawberry fields we don't use the dangerous insecticides. We use fungicides and herbicides. However, most of the regulations by the Environmental Protection Agency (EPA) are based on adult weight and not on a child's weight. Consequently, we heard testimony in the 1971 legislature by chemists at Oregon State University that the smaller the body size, in many cases, it can tolerate less amounts of herbicides and pesticides than the adults. Also the time required before allowing reentry is based on safe levels for the processor, not for those children eating the berries in the fields.

We have no records of aerial spraying. I have seen for myself in traveling from Portland to Salem pickers on one side of the freeway and spraying on the other. There is an interesting article in the Oregonian of June 3, 1971, Sunnyside, Wash., "Pesticide Dusts Seventy Children." They were standing in the field of their school watching the spray of the pesticides. I am not saying that was done intentionally, but there are changes in weather conditions which cause the spray to flow over to adjacent fields where there are workers.

I called Nyssa because I heard there was a report of aerial spraying of pesticides in Nyssa. There were two reports where planes were

found spraying in one field, the wind changed and the spray went over to the other field.

Now, education. We heard a lot of testimony that strawberry picking does not, in fact, interfere with education. I would like to speak a little broader than just strawberry pickers for a second and go back to the Willamette Valley. It may not be regular education, but it does affect special education.

Migrants in Nyssa, Oreg., which is an area in eastern Oregon where a lot of migrants have settled—and there are a lot of migrants coming into the State or Oregon in that migrant stream—don't enroll in September, October, and November during the onion and potato crop harvests. They are in the fields and somehow the laws are never enforced. Permanent residents, migrants who have now settled, pull back their kids for as long as 2 or 3 months.

This came from workers in the Nyssa Multi-Service Center. I asked them how many kids they were talking about? They said about 200 and about 100 of them are under 12 years of age.

Let's go back in the valley. In the valley we have in eight counties title IV and title I migrant and disadvantaged educational programs. Summer programs for corrective education they call it. What it really is, remedial education. Two thousand migrants 4 to 8 years of age are involved in those summer programs. They need those programs; they are far behind their other classmates.

As soon as the harvest time hits, 5 to 6 hundred of them leave school. It hurts their educational efforts; it also damages the program they have for health needs and for nutrition. We have an affiliation with a medical school where the kids are examined and their needs are taken care of. The doctors try to find out what the kids are eating. If they are out in the fields and not in school, that followup work is impossible.

I asked them, "What if the law was in effect. How many kids do you think would be there, especially those over 8?" It was anticipated that the total would be 4,000.

Now let's take a look at children who live in the area, who don't migrate. With title I disadvantaged children we are talking about 2,000 Anglos, not migrants, white children, or migrants who have settled in Oregon in the summer program. So that even though our schools in many cases are closed by this time—however, there is a case in the narrative here where a church closed their school to help the grower pick the crop, and I don't think I'll go into that. But I would say that, yes, the schools usually are closed by the time the harvest season is here, but the point is that there is another school opportunity for these children.

I am not going to bore you with summarizing it, I think I made the point, but I would like to make a few points on the legislative history. The Federal Labor Standards Act coverage is needed, I think, for these reasons I just enumerated, and most of all to allow us to pass child labor laws in Oregon that would protect the 5-year-old, the 6-, 7-, 8-, or 9-year olds on the farms all over the State who are not now covered under the Standards Act.

Senator Hatfield, in all respect, made a statement that the children in Oregon have not been exploited and that Oregon was the first State

with labor protective laws. I am not going to bore you with the fact that Oregon is first in a lot of things, you have probably already heard that from our Governor. But the Senator did not state that the children employed in agriculture were excluded from the legislation; in fact, those working in agriculture, all were excluded.

In Oregon no child under 14 years of age may work during the school session. That is basically the law, but we have no other agricultural labor laws. When schools are not in session, a child of any age may be employed up to 10 hours a day, 6 days a week, without rest periods; may work before 7 in the morning and after 6 p.m. in agriculture, and those hours are prohibited for children under 16 in most all other occupations.

In 1971 we helped sponsor a bill, Senate bill 323, which originally would have prohibited employment in the State of Oregon of children under 12 years of age. It also sets minimum hours, rest periods, prohibited the bonus system, and prohibited younger children from entering fields where agricultural pesticides were being stored and where the fields were sprayed.

We compromised during the 1971 session and dropped the age from 12 to 10 so Senate bill 323, after amendment, would have prohibited hiring children under 10 in the State of Oregon. The bill got out of committee. I must make a little note that the complexion of the Senate at that time was somewhat conservative, even though the Democrats controlled it at the time. The Senate is a very conservative body in Oregon; the House is a little different.

It got out of committee, 8 no votes were cast out of 30, with every Senator from the Willamette Valley except one voting for it, and none of them were defeated in the following election. There were no strong objections from the Grange; there were no strong objections from the Oregon Farm Bureau, there were no objections from the growers. In fact, the growers came to me and said, "Look, I don't want kids under 10 in the fields, they make a mess of a field, it is too much of a problem, it is a baby-sitting deal for us." They are a little concerned about 12, although most admitted they don't hire very many under 12. That is to some extent the legislative history of the child labor law.

But the question of 12-year-olds, 11-year-olds, 10-year-olds is really not the issue. What we are discussing is a system of employment that is not tolerated in any other industry. In Oregon as in any other State farm workers have been denied basic benefits that other workers have taken for granted for the last 35 years. Oregon has led the Nation, as I said, in many areas for many years. In Oregon agricultural workers paid on a piece-rate basis are not covered by the minimum wage. They are excluded from unemployment compensation and excluded from collective bargaining procedures.

There are laws that prohibit picketing by those who have not been employed on farms for 6 or more days. As late as 1969 the legislature rejected legislation to provide drinking and hand washing in the field. We finally got it in 1971. And Oregon's workers, whether they are locals or migrants, are not equally protected under the law. I would say as a member of the State government that they are neglected and discriminated against.

I am pleased by your actions, gentlemen, even though, if I was in your place representing the State of Oregon, I would have dropped the

age to 10. The agricultural industry in their relationship to the labor force has really been singled out and protected even in this State. I think it is not an economic issue but, unfortunately, it has become a political issue. For many of my colleagues it is a hot political issue and it is very difficult for them to act. I thank you for your actions.

Federal law in this area would provide an impetus for us in Salem to build a body of fair and equitable State legislation to protect both the farm workers and the growers and, God knows, the growers need help.

I would like to add a post script to the children who are sitting here. Maybe that is my political angle coming out, because I don't want to appear to be all evil. Two days ago at an elementary school in Portland they had a hearing, too. They were discussing minimum wage and working conditions and child labor, but the year was 1890. My son was assigned to argue the industry's position and we had quite a time that evening. The arguments were very similar, the ones he laid on me, to what I have heard in the courthouse a couple of weeks ago or at the legislature.

History proved them wrong and when it came to a vote in that elementary school, civilization and concern for life won overwhelmingly. They took another interesting vote, however; they took a vote on this issue, dropping the agricultural age, prohibiting workers 10 and under, and the bill won 13 to 8. I asked my son, "How come?" He said, "Well, we heard the arguments and," he said, "Mom, if somebody can be helped to read or write and if a child can be kept a little healthier and a little happier, then we need a law." I said, "That is what it is really all about. It is not money for a bike or money for an 18-foot swimming pool or the fear that the government is taking over and intervening in our lives—sometimes it is--but that respect and responsibility for one's self and others doesn't come by worshipping the old Protestant work ethic at ages 6, 7, 8, 9, 10, but by understanding the needs of other children less fortunate than us and by sacrificing some of our wants and desires for somebody else, especially somebody else you have never met."

I thank you.

Senator HATHAWAY. Thank you, Mrs. Katz.

You mentioned you are having difficulty getting figures from the Labor Department. I have in front of me here some very detailed figures on the Willamette Valley in Oregon. It seems to be a complete breakdown.

Mrs. KATZ. These figures, this is from the Department of Employment and, as I stated, in the area of employment we have some pretty decent figures. Of course they are estimated figures but they are pretty decent figures and this is what I have used for the information I presented here today.

There is some information I wanted that I couldn't have, like how many under 11 are migrants versus locals. That information is not available. We have how many are migrants total but not broken down by age group. I have used that in the "Green Ghetto" report and the figures I have presented today as really the basis of my testimony. Other than this it is a sad scene in Oregon.

Senator HATHAWAY. You indicated the number of workers used per acre has gone up over the years. Does that take into consideration the yield per acre?

Mrs. KATZ. It is possible the yields increased. I do not have that information. I guess I was looking at the figures and saying, there is something funny here. The level in relation to the acreage is higher and reading back the shortages, the severe shortages are not there. I think the farmer has to do this today because we are living in the kind of world we are living in today, and he is going to have to plan ahead of time to make proper communication plans, to provide the kind of harvest help he needs and he uses the schools. I have no real objections to that as long as they are not under 12 or under 10.

Senator HATHAWAY. But if the yield per acre has gone up, it is correct you need more workers.

Mrs. KATZ. As I recall, it hasn't gone up that substantially.

Senator HATHAWAY. Why do they need more workers?

Mrs. KATZ. I didn't say they need more workers; I said there are apparently more workers there to pick the crops. If I recall, from reading the narratives, I am not absolutely sure the yield has gone up. I didn't research that point.

Senator HATHAWAY. You made a point that not many inspections were carried out. What dangers are there to the children at the age we are talking about in strawberry picking, the nonmigrants?

Mrs. KATZ. I don't care if it is strawberries or beans or whether it is local or migrant, they pick in the same camps, and, as I say——

Senator HATHAWAY. Well, migrants would be staying overnight. The living conditions would not be relevant to the locals.

Mrs. KATZ. There are migrants who travel around.

Let me back off. We don't have many farm labor camps left in the valley. A lot of migrants have to find other housing, so they travel from camp to camp. There are also in-settled migrants. The definition of migrants is a little loose. They settled in the valley and they travel. They are disadvantaged youngsters because of their economic position, they are disadvantaged because of their health and nutrition. It is a different breed of children than the white, Anglo, middle-class child that needs to earn some bread for school or for a bicycle or whatever he needs. They are still picking in the fields, too.

The hazards, of those fields that are inspected, and I have been in those fields, there are several. Most of them deal with drinking water and toilet facilities. In many cases they are portable toilets. In some cases they were clogged and dirty. The Bureau of Labor has pictures of toilets in the valley that are rather frightening. Drinking water facilities sometimes are not there, sometimes they are not adequately kept, so sprays from pesticides or whatever can enter into the water supply. We are talking about sanitary conditions right now, so that is of some concern. At least it is a concern to me and it should be to every parent.

Senator HATHAWAY. It is to us, too.

What other dangers are there?

Mrs. KATZ. Without inspection of the fields and without knowledge of when the fields were sprayed or what kind of spraying conditions were in adjacent fields, it is very hard to know what level of residue

of pesticides are on the fields or actually in the ground. It is hard to keep track of these kids crawling and eating or doing whatever they are doing.

There are a lot of the youngsters who eat their lunch, and this testimony was given to me by Vincent Garcia who is a director of a clinic, a lot of the youngsters eat their lunch in a barn where there is a lot of feces, cow feces. There is a lot of indications of worms, human intestinal worms, that these children have. He sees them in the clinic, when they don't wash their hands. My child picked and he didn't wash his hands. He uses the drinking water. This is not in all camps, but this is in a particular camp.

You could certainly have inspection, there is no question about it, and those kinds of sanitary conditions should be inspected. You would go and inspect it in industrial places; in a factory you would go in and inspect it. Just because it is out in the fresh air doesn't mean there is no reason to be concerned.

Senator HATHAWAY. Are you saying if the toilet facilities were adequate and the drinking water was good you would have no objection to children of the age of 8, 9, and 10 working?

Mrs. KATZ. No. Now we are going to get into a whole other argument. Children are a cheap labor force traditionally, whether it is in Oregon, California, or New York. I think it does lend itself to the economic picture. We have a high rate of unemployment and I maintain, and that may be just theory, I don't know, I'm not an economist, but if you remove the children from the labor market, you open up some opportunities. Certainly they are not very great, it is stoop labor, but it represents opportunities for adults to make a living. You also are forcing the growers to pay a higher wage, which means eventually the consumer is going to pay a higher rate at the grocery store, but we are paying a higher rate anyway, and I would like to at least know that some kids are protected or are not there at all. So it has economic implications.

Besides this, it has some other moral implications that I stated. A lot of these children need additional help in the public schools. Those opportunities, thanks to you gentlemen, have been made available to them and there is no reason why they shouldn't use them.

Senator HATHAWAY. Would you support in Oregon the age limit being 10 rather than 12?

Mrs. KATZ. Yes. I hesitate, but yes, and I don't think it is a political copout. I have talked to a lot of farm workers in this area. If the kids are not in the field, the family is going to have a hard time making a go of it. They want the kids out of the migrant stream eventually. They do not want them to live the same life their parents have lived.

They have trouble with 12. The growers, at least to some extent, have trouble with 12. They had no trouble with 10 and under after this blew up past all reason. If your backs are against the wall in the halls of Congress, rather than accepting our delegation's amendments—I don't know if Senator Hatfield presented one, but Senator Packwood did—I would rather you lower it to 10 and have a child labor law that would not allow anybody to make exceptions for this crop or this State than not to have one at all.

Senator PACKWOOD. You keep coming back to migrants and camps. We tried to draw a law that would not permit abuse of migrant chil-

dren. We may not have drawn a proper one. But you don't seem to see any harm to the ones you refer to as the middle-class, white, Anglo-Saxons going out in a strawberry patch picking.

Mrs. KATZ. I have difficulty writing laws discriminating between classes of children. I don't like laws that discriminate against a segment of our society. I like our statutes to be somewhat consistent. I don't have as much difficulty with that, assuming that we had some health standards in our camps that were maintained, that we could at least know about, but, as I mentioned to you, we have several "migrants". It is not only the transient migrant who works in farm labor camps. We have other children, and you can't divide your Chicano and your Anglo and your middle class. You can't say, you can go and you can't. You can't do it, and that is really what I am concerned about.

I am concerned about eastern Oregon where you have migrants who are settled. If you are going to have a law like that on strawberry picking——

Senator PACKWOOD. Then you are coming back to criticism of Oregon's enforcement of its education law. We have migrants who live here permanently.

Mrs. KATZ. I never thought I would see the day when you and I are going to battle with words.

Senator PACKWOOD. But you are saying that Oregon doesn't enforce their education laws. The migrants, although they are permanently settled so the word "migrant" isn't accurate——

Mrs. KATZ. Right.

Senator PACKWOOD. The migrants take their kids out of school, so to me the answer is not, therefore, to pass a law that says everybody under 12 can't pick strawberries. It seems to me it is up to Oregon to enforce their school attendance law. It seems you are going about it backwards.

Mrs. KATZ. As I said, you have a point on the schools. We aren't enforcing our laws. I called the Federal U.S. wage and hour people and told them next summer to please go out and watch the fields, that there are kids in the fields who are not supposed to be in the fields. Because their inspector is in Boise, Idaho, and not in Oregon, they were not knowledgeable of that fact. As I said, there are other school and educational opportunities during the summer. They were established not only for migrants but for Anglo children, people living here.

Senator PACKWOOD. I went to summer school once. Because there is summer school, are you saying that everyone is either going to summer school or they are going to do nothing?

Mrs. KATZ. No. They were established to meet the educational needs of these specific children, title I and title IV. You passed a law and funded it so we could help raise the educational standards of these children. Perhaps they are out of the mainstream of our society, but they provide dollars to our society. At some point out there at least they should learn how to read and write, if nothing else. That is why they set up those programs and those are the kids who go into the fields and pick. If they didn't have to pick and if you could cut the child labor force, or at least that small segment, perhaps you would necessitate an increase of wages in agriculture so that those who need

extra money or those who are in the migrant stream can afford to make a little more so they wouldn't have to send their kids to pick.

We are talking about two different kids. We are talking about kids whose money gets pooled so they can drink milk or so that somebody can drink beer versus a kid who buys a bicycle or who uses it for school. It is not migrants versus locals because we have our own locals who are not in that position. You can't pull those out and separate them.

I understand what you are trying to get at, but there are disadvantaged children living in Oregon, too.

Senator HATHAWAY. Thank you. We appreciate your testimony and your answers.

Our next witness is Hon. Richard Groener, Chairman, Labor Committee, Oregon State Senate.

STATEMENT OF HON. RICHARD GROENER, CHAIRMAN, LABOR COMMITTEE, OREGON STATE SENATE

Mr. GROENER. Welcome to Oregon, Senator.

With less than 1 percent of the population in the United States, we think it is wonderful you would concern yourself with our problem, which I feel is a real problem here in this state.

I listened attentively to my colleague, Representative Katz, who spoke before me. I feel that if I were raised in New York maybe I would feel the same as she does about working on the farm. However, probably the reason I am only a State senator and not a U.S. Senator and haven't risen to those lofty heights is because I worked on a farm when I was 13 and 14 years of age. I picked berries and, of course, neither one of you gentlemen have had to do those things and that is probably the reason you great people are here today.

Senator PACKWOOD. I would like to interject here that I hope this is not to conclude the higher you rise in political office reflects how little work you do going up the ladder.

Mr. GROENER. The feeling among many today is the less work you do the more you will achieve. I was taught the harder you work the better chance you have to achieve.

You talk about discrimination. During the periods when my boys were picking—one is now a senior at Oregon and one is a senior at Portland State—they were exploited in this farm labor work on the farm, but I don't feel that they were as exploited as my wife and I were because we had to rise at 5 o'clock in the morning and my wife would get them breakfast and I would drive them to the highway to get the bus to go to the berry farms. They wouldn't miss it.

I think one of our problems today, Senator, here in Oregon, as I see it, and maybe I am old fashioned and if I am it is because I believe in the old-fashioned way of hard work, but I think the problem not only with the young people, 10, 11, 12, I think it is a good lesson. I think they are taught more working on the farm than they can learn in school. They learn a way of life and they earn money.

I think the problem today is among our youth. We expect a 17- or 18-year-old youngster to find a job in the summer and they can't find a job, they are walking the streets. We are critical of them for smoking pot and drinking and doing things and getting into trouble. I think

that Congress and the Oregon legislature should concern themselves with finding jobs for the teenagers. Right now under the Child Labor Acts they are excluded.

I recall years ago I was chairman of the Democratic Central Committee in my county and there was one of the members of that committee who proposed a bill to strengthen the child labor laws. In my opinion, I think the child labor laws are too stringent at the present time. I think we should provide jobs for young people. A teenager is not too young to work.

It has been said by Representative Katz that we passed a similar bill in 1971, Senate bill 323, and it passed only after the minimum age was changed from 12 to 10 years of age. The final bill was acceptable to the community organizations at that time, to the farm community organizations. But since 1971 the nature of field labor supply has changed. The number of migrant workers coming into this state is declining. We have Carlos Rivera who is here in the audience today. He is affiliated with the migrant workers league and he will verify this, they have declined here in the state.

There has been a shift down in picker ages. Growers have had to turn to younger workers for a larger part of the crew and fewer adults are available.

There is more use of the family drive-out where they drive out to the fields, where parents and teenage people will pick up if they can bring the younger ones. So how will the Oregon legislature handle such a proposal in January of 1975—under 12 prohibited? Under 10 prohibited? The situation is different now; younger workers are needed more.

The theory that this is going to displace adult workers is false. On the contrary, many more jobs are created in food processing, transportation, packaging and so forth if we can harvest these crops. Many of these pickers not only come from affluent families but they come from families where the children are able to buy their own clothes for school. This is very important. For years the families in the middle- and lower-income brackets would hope that he could save the parents some much needed money by buying his own school clothes.

I would hope, Senator, that at the very least Congress would pass legislation permitting the Department of Labor by administrative ruling to waive the provisions of this act.

Thank you.

Senator HATHAWAY. Thank you very much, Senator.

Would you go along with the provision to lower the limit from 12 to 10 in the Federal law?

Mr. GROENER. I would, but I would leave it open. I think there are instances where an entire family wants to go out and pick berries. If the family has a 7-year-old or 8-year-old, obviously they can't pick many, but I wouldn't prohibit them from the fields. You know many times these youngsters only pick for two hours. My sons would usually pick for 3 or 4 hours and then they would come in. If it is too hot, they would bring them in from the fields.

Senator Hathaway. But you would confine an exemption to residents and not allow migrant children?

Mr. GROENER. Right. I think if a resident wanted to bring his family out to pick berries at 7 or 8 or whatever age, I wouldn't limit it.

Senator PACKWOOD. I have no questions.

Senator HATHAWAY. Thank you very much.

Mrs. Katz, did you leave those documents to which you referred for the use of the committee?

Mrs. KATZ. Senator, I can furnish you with copies and the House Committee was furnished with copies of all of that information.

Senator HATHAWAY. Thank you.

Our next witness is Mr. Rafael Ciddio, Oregon State Chicano Concilio.

STATEMENT OF RAFAEL PABLO CIDDIO, OREGON STATE CHICANO CONCILIO

Mr. CIDDIO. Thank you, Senator.

Senator HATHAWAY. Mr. Ciddio, welcome to the hearing.

Do you have a printed statement or typed statement so we can make it a part of the record?

Mr. CIDDIO. Yes, Senator, but, before beginning my testimony, I would like to ask this committee that it assure me that no vendetta will be made against the only effective seasonal farm workers programs that are active in the State of Oregon against Chicano organizations. By this I also mean that this committee help protect the programs above mentioned from unreasonable audits, evaluations, and other harassments that this committee knows will jeopardize the effectiveness of these programs, and the rationale behind the request is the coincidence that after the last congressional hearings on this matter the Valley Migrant League in Salem was burned.

I have my testimony written on that paper that still smells like it has been burned.

Senator HATHAWAY. You can be assured this committee will do everything it can to make sure the law is carried out the way it is intended, with no vendettas.

Mr. CIDDIO. Thank you very much.

May I first state I am very glad Hon. Vera Katz was here to present that element of it and, therefore, I don't have to go into it at all because of what she said. I could probably mention some particulars of some of the information she gave.

Senator HATHAWAY. Fine.

Mr. CIDDIO. May I also at this time state there was a concern in the Willamette Valley in reference to the hearings—this is no reflection on the committee itself—but I am sure, as I talked to some of the members of your committee, they are aware that they are having hearings and coming here when the migrant season is not here and that they are having hearings in Portland away from some of the areas where some of the wage earners we are going to talk about are from.

Senator HATHAWAY. It is difficult for us to hold hearings at the times and places where many people would like to have them held. We have to hold them this weekend because Congress is not in session because of the Kansas City convention. At other times of the year when we are in session, it is very difficult to get away.

Mr. CIDDIO. That is what they told me and I accepted the reason. I can pass out this information now and probably save time.

Senator HATHAWAY. Mr. Ciddio, at your request or even without your request, we have staff available to us, investigative staff, who can be on the site during the harvest periods and report back to us.

Mr. CIDDIO. We appreciate that.

Senator HATHAWAY. I understand you want to make this a part of the record, this statement you just handed to us?

Mr. CIDDIO. Yes.

Senator HATHAWAY. We will make this part of the record.

Mr. CIDDIO. Also this.

Senator HATHAWAY. We will have that accompany the record at the conclusion of your testimony.

Mr. CIDDIO. In reference to some of the material that Vera Katz was speaking of, the migratory children's program funding for this fiscal year for Oregon was $1,898,566. I gave those statistics because it was said something to the effect that education was not only for Chicanos but for everyone. This is money coming into the State to help that situation.

Before this committee and before the State of Oregon and to the particular attention of the congressional representation of Oregon who is in favor of the amendment, if you are looking for wage earner statistics on losses that may affect substantially a family's needs, consider subtracting 3 weeks of your take-home pay and see if it is a substantial amount to affect even your family. Even to the person who may only earn $1,000 a month, $750 is a large sum and would drastically affect that person's economy; more so to a seasonal farmworker or a local person who comes from the low-income bracket, a small amount such as $750 may equal one-third of his annual income.

My testimony must change because I met last night with some of the people of the committee. I gave them most of my stuff, so I won't talk so long.

Senator HATHAWAY. You don't mean they persuaded you to change your testimony, do you?

Mr. CIDDIO. No, they didn't. Actually I said I didn't want to use the emotional and psychological statistics I was going to bring.

Senator HATHWAY. You gave them a lot of your testimony and it will be made a part of the record.

Mr. CIDDIO. Right, so I am going to stick to the wage earner. I am very concerned about, and I know from talking to the committee that you are, too; you, too, are concerned about the wage earner who is not here at this time to testify and, therefore, some of us who have been working with them are here to testify on their behalf.

In Marion County alone, there are 23,475 persons unemployed. This is equivalent to 60.2 percent of the target population. 12,533 members of the target population, or 38.8 percent, will be unemployed or underutilized for a monthly average during the year according to the Manpower Planning Board.

Statistics like this should indicate to this committee that there would be enough adults to work these 3 weeks if the employers would recruit in those areas where these people can be found, not only where they can get the cheapest labor force, such as skid rows, hiring illegals, and in some cases exploiting children.

Senator HATHAWAY. It is difficult to come to that conclusion unless you know whether these unemployed people would be willing to go pick berries if the work were open to them. We have seasonal people in Maine who work in the processing plants. They are not working at the time the harvest is going on, but, nevertheless, they would not go out and pick potatoes, one, because it is too hard and, two, because they are getting $70 a week unemployment and, three, because they are going to go back to their job in processing in a few weeks.

It is unrealistic to say on the face of the figures that the children are depriving people of a job.

Mr. CIDDIO. I admit that, but I am saying in terms of recruiting, if the wages were different and if the work that is out in the field, as was mentioned earlier, would fit, let's say, these people wanting to go work out there, if the conditions would be better, that, too, would change the picture, I'm sure.

You made me delete some of my paragraphs there, too.

Senator HATHAWAY. We have some discrepancy here. You say that Marion County is equivalent to 60.2 percent of the so-called target population unemployed. Our figures show 8.5 percent of the total labor force.

Mr. CIDDIO. This is the manpower figures. It is in this blue book here [indicating].

Senator HATHAWAY. What group is included in your so-called target population?

Mr. CIDDIO. I submit the social services report of February 1974.

Senator HATHAWAY. It would be contained in there?

Mr. CIDDIO. Yes.

Senator HATHAWAY. That will be made a part of the committee files.

[The document referred to may be found in the files of the subcommittee.]

Mr. CIDDIO. You will also be given the Chicano Association report to the Northwest Regional Council and their response from region X, which might also help you get another perspective.

Senator HATHAWAY. Thank you.

Mr. CIDDIO. I think as you are asking me the questions you are shortening me more, which is OK. I think the answers you are looking for are in some of the statistics.

Senator HATHAWAY. I wanted to make sure you could give us an answer or that you had a document available that would give us an answer.

Mr. CIDDIO. OK. I want to go on record before this committee as being surprised at how 2,000 letters from children make our congressional delegation get very concerned about seasonal farmwork when in the past years 56,000 seasonal farmworkers and 2 million farmworkers nationally have not influenced them to see that even when laws are made, if they are not complied with, their help is needed.

To this statement some people might feel I am generalizing. But, once again, I cordially invite the same committee, as I did last night, to come to Oregon when Oregon becomes the fifth in the Nation in

terms of migrant farmworkers, hires illegals contrary to law and they are shipped back after the season, has another program misnomered to serve needs but is headed by the wife of the largest apple grower in the State of Oregon and does not comply with set regulations because the Bureau of Labor and the Health Department indicate they are understaffed.

It is not until the other organizations that monitor and try to make accountable these agencies that are funded to comply with both Federal and State regulations act that a response is finally taken by those agencies.

May I just point out that some of the things that were mentioned earlier, we took time to go through some of this material, and this might help the committee. What we do is take the "Child Labor in Agriculture". We note some particular pages, page 2, page 3, page 4. The "Education of Migrant Children", "Who is the Migrant Child", the description of him; page 2, economic pressure on family and hazards to life and health; page 3, education neglect for the migrant child.

The "Oregon-American Friends Report", the Willamette Valley is described on pages 1 through 7.

The "Minimum Wage" from "The Green Ghetto", page 17, page 18, page 21, page 23, page 24, page 25.

The Statement of H.R. 10499, Agricultural Child Labor Act, 1971, page 1, page 2, page 3.

The "Statesman", "Study Opposes All-Year School in Woodburn", which again brings out some new thing that maybe this committee hasn't heard of, but there are 5,000 families in the Willamette Valley that are Russians. These are local people who do seasonal work. There was an article there that indicated they, too, didn't want school to extend because their children were needed out in the fields.

So that may answer some of your questions as to whom does it affect in reference to some of the educational people.

I will say that I accuse the Bureau of Labor sometimes of counting migrants in terms of color. Sometimes they go out and see the brown and say these are migrants and that is not necessarily so.

Then, finally, the "Statesman", "United Front Needed to Alert Picking Law", my response to an editorial made in the Willamette Valley. When the editor wrote back to me, may I note, he said, "Your response was obvious. Could you shorten it?" I just said that I hoped his "Statesman" would make it more obvious to the public.

For instance, in reference to the law, as I hear people saying they want their children to go work out there in the fields, if they would know the law, there is a place where children, all children can go work, and that is those farms, according to the law already written, where it is less than 500 man-hours. So if the people are very concerned that their children can buy something like the swimming pool, they could try an added effort to take them to those fields where less than 500 man-hours are imposed.

I really was shocked by even the reaction of Oregon to the law because, I think, it included Oregon in its law.

Finally, the deposition of Cassandra Stockburger, I put some particular pages there, page 12, page 14, pages 15 and 16, page 19, page 27, page 29, page 34, page 46. The deposition, although it is not to this

issue particularly there was something said in the depositions of Epifano Soto Callazo, David Aguilar, Paul Alvarez, page 11, page 13, page 17; the deposition of David Aguilar, page 35, pages 40–41, pages 42–43, page 45, statistics on number of children under 12 years in the fields; the deposition of Paul Alvarez, page 57, page 60, page 64, 65, 65–66, page 71, page 74, page 78, pages 79–80.

OK, I conclude, I went to a hearing in Washington, D.C., once. I was called back there, and I made an analogy there that I hope the Committee doesn't take as an offense, but it sometimes does fit into the picture. In the story of Don Quixote when he goes and finds an employer beating an employee, Don Quixote beats the employer and then the employee really thanks him, "You are wonderful. I am really glad you are concerned."

OK, Don Quixote leaves and when he comes back he meets with that employee and this employee is beat to a pulp and so he attacks Don Quixote and says, "Look what you did to me." So I think I would like to mention that again, because in some cases that does happen sometimes. I have been to migrant hearings in Texas, in California, in New Mexico, in Washington, D.C., and now here in Oregon, and it does happen, that after you leave some of your employees are beaten up more.

May I conclude with that and thank you very much.

Senator HATHAWAY. Thank you very much.

I hope you realize we are not trying to amend the laws to the detriment of migrant workers. We are trying if possible to get an exception for those children who are working in their own local school districts. They are residents of that area. There is no detriment to their health. There is no significant depression of wage scales as a result of their working. This happens here in Oregon, it happens in Maine, it happens in Washington, it happens in other States.

Mr. CIDDIO. To clarify, I would say also what Mrs. Katz said, that I, too, am concerned about the stable seasonal employment, so that is a local person.

I note that the senator mentioned from the legislature, I don't remember his name——

Senator HATHAWAY. Mr. Groener.

Mr. CIDDIO. He mentioned that the migrants have stopped coming, that maybe Mr. Carlos Rivera could tell him that the migrants have stopped coming, but maybe Mr. Carlos Rivera could also tell him that the migrants are settling more in Oregon.

Senator HATHAWAY. Your point is they are becoming residents and fall within the law?

Mr. CIDDIO. Yes.

Senator HATHAWAY. We appreciate your testimony and all of the other documentary evidence that you have given us.

[The prepared statement of Mr. Ciddio along with documents referred to follow:]

Senate Hearings, December 6, 1974, Pioneer Court House
by Rafael Pablo Ciddio y Abeyta, Oregon State Chicano Concilio

Before beginning my testimony, I would like to ask this committee that it assure me that no vendetta will be made against the only effective, seasonal farmworker program that is active in the state of Oregon, nor against Chicano organizations. By this I also mean that this committee help protect the programs above mentioned from unreasonable audits, evaluations, and other harrassments that this committee knows will jeopardize the effectiveness of these programs. The rationale behind the above request is the coincidence that after the last Congressional hearings in Oregon on this matter the Valley Migrant League in the Willamette area, Salem was burned.

May I also state that both the House hearings and these hearings are being held out of season and when the wage earner is not here to testify for himself and thus people who have worked for the same people you are concerned about have to testify on their behalf. The place of the hearings, Portland, Oregon, is again away from the area where the local wage earner, particularly at present depends a great deal because of the present economic situation on one day loss of work, much more would he want to be here to convince the committee that three weeks loss of work for low income can make him or break him for the total year.

Before this committee and before the state of Oregon and to the particular attention of the Congressional representation of Oregon who is in favor of the amendment, if you are looking for wage earner statistics on losses that may affect substantially a family's needs, consider subtracting three weeks of your take home pay and see if it is a substantial amount to affect even your family. Even to the person who may only earn $1000 a month, $750 is a large sum and would drastically affect that person's economy. More so to a seasonal farmworker who comes from low income bracket a small amount such as $750 may equal one third of his annual income.

My testimony has been changed because last night I met with Congressional aides and they indicated that what lacked is statistics on the wage earner and how it does affect local children educationally. May I recommend to this committee that it help with manpower from the committee itself and that he be sensitive enough to deal with Russians, Spanish speaking, and low income poor, and that this person be sent to Valley Migrant League to study those statistics, of those statistices saved from the fire and work with other organizations, such as the Human Relations Committee, the Human Referral Center, and other organizations whom I have given to your aides as possible sources. I will not speak of the emotional, psychological, health reasons because what is important is that three weeks loss of work for a wage earner has to do with economics, but I will point out some passages in the material given to you. (See attached.)

In Marion County alone there are 23,475 persons unemployed and this is equivalent to 60.2 percent of the target population. 12,533 members of the target population (34.9%) will be under-employed or under-utilized in employment on a monthly average during the year according to the Manpower Planning Board.

Statistics like this and others should indicate to this Committee that there would be enough adults to work these three weeks if the employers would recruit in those areas where these people can be found and not only where they can get the cheapest labor force, such as Skid Rows, hiring illegals and exploiting children. I submit, in addition to what has already been given, a copy of the Salem, Social Service Needs of 1974 and recommend to the Committee that the cities where seasonal farmworkers are or where stawberries are picked that they try to obtain one from them. Copies, no doubt, should be given to the Oregon Congressional delegation.

I want to go on record before this Committee on being surprised at how "2,000 letters from children" make our Congressional delegation get very concerned about seasonal farmwork when in the past y[illegible]50,000 seasonal farmworkers and 2 million farmworkers nationally has not influenced them to see that even when laws are made and they are not complied with their help is needed. To this statement some people might feel that I am generalizing, but once again, I cordially invite the same committee to come to Oregon when Oregon becomes the fifth in the nation in terms of migrant farmworkers; hires illegals contrary to law and they are shipped back after the season; has another program misnomered to serve needs but is the wife of the largest apple growers in the state of Oregon and does not comply with set regulations because the Bureau of Labor and the Health department indicate they are under staffed. It is not until the other organizations that monitor and try to make accountable these agencies that are funded to comply with both federal and state regulations that a response is finally taken by those agencies.

Further attachments:

SOCIAL SERVICE NEEDS REPORT, February 1974

"Chicano Education Association Report and Response from Region X, Northwest Federal Council"

AMERICAN FRIENDS SERVICE COMMITTEE, INC.
May, 1970

CHILD LABOR IN AGRICULTURE

NOTE:
Page 1, 1st paragraph "In 1970 there is still unregulated child labor in the United States. More than one fourth of this country's farm wage workers are under 16 (probably more than 800,000).

3rd p. Agriculture is the third most dangerous industry...

4th p. Child labor in agriculture shows up in its most oppressive form in those areas using migratory labor.

page 2, Incidence of child labor among migrants
Reasons for child labor
Working conditions of child labor

page 4. section 5. Other
studies
documented testimony of psychologists, physicians or other professionals
descriptions or reports of programs

EDUVATION MIGRANT CHILDREN
"Who is the Migrant Child"

page 1 description of him

page 2 economic pressure on family
hazards to life and health

page 3 education neglect for the migrant child

***** ***** ***** *****

OREGON - AMERICAN FRIENDS REPORT

Willamette Valley described on page 1

Page 2 paragraph 3 about children farm workers

Page 3 need for legislation restricting children (12 and younger) from working in the fields

Page 5 reactions of children to working in the fields

Page 6 psychological and emotional damage

Page 7 education deprivation for the child working in the field

FROM THE GREEN GHETTO

"Minimum Wage" Fair Labor Standards Act Amendment of 1966

page 17 paragraph 2 exclusions

paragraph 3 "All farmworkers are exempt from overtime pay."

paragraph 5 limited coverage for farmworkers

page 18 states' minimum wage laws

page 21 "Recommended Legislation for Oregon"

page 23 "Oregon Legislation: children

page 24 paragraph 4 child labor in industries and in farm work contrasted

paragraph 5 "effects of Child Labor"

page 25 continuation of effects of Child Labor.

********** ********** ********** **********

STATEMENT OF H.R. 10499 AGRICULTURAL CHILD LABOR ACT 1971

page 1 paragraph 3 farmworkers excluded from social welfare legislation

page 2 paragraph 2 "cycle of poverty"

page 3 Paragraph 2 summary of a case

********** ********** ********** **********

STATESMAN, Nov. 16, 1974 "Study Opposes All-Year School in Woodburn"
Russian children deprived of schooling

STATESMAN, editorial Nov. 16, 1974 "United Front Needed to Alert Picking Law" Letter to the Editor in response to the above editorial.

Note the request for statistics.
* * * *

No. 74-450 August 5, 1974 Deposition of Cassandra Stockburger

NOTE: Page 12 Paragraph 1, children not benefiting from education programs

Paragraph 3 contiruation

Page 14 Paragraph 4 children missing out academically

" 5 health services denied children not enrolled in educ. programs

Pages 15-16 Parents eager for educ. for children

Page 18 Paragraph 3 migrant child out of school for several months

" 7

" last

Page 19 all of it

Page 27 jobs children should not be doing on farms

Page 29, educational advantages for children

Page 34 Paragraph 7 reasons for children going to the fields to work differ

Page 46 Paragraphs 5, 7 regarding the recruiting of children for field work and transportation and supervision problems

No. 74-450 Depositions of Epifanio Soto Collazo, David Aguilar, Paula Alvarez

page 11, ill-health facilities

page 13, children's complaints about "hard" work

page 17, Title 1-M educational program

Deposition of David Aguilar:

page 35, unfavorable health conditions for children

pages 40-41 - educational deprivation
42-43 " "

page45 statistics on number of children under 12 yrs. in fields

No. 74-450
Deposition of Paula Alvarez

page 57, description of age bracket of children in summer program

page 60, enrollment figures for the summer session

page 64, and 65, health facilities available to the children enrolled in summer sessions

pages 65-66, advantages of the 1-M summer program for the children of the migrant workers
Title

page 71, need of summer program for migrant children

page 74, bilingual education

page 78, bicultural courses

pages 79-80, statistics on the enrollment of 1-M students
Title

***** ***** ***** ***** ***** *****

HEARING BEFORE THE SUBCOMMITTEE ON AGRICULTURAL LABOR COMMITTEE ON EDUCATION AND LABOR. TITLE III of H.R. 5010

Migrant Manpower Programs. Statements of Rafael Pablo Ciddio y Abeyta

page 1, paragraph 3, analogy between current conditions and an incident in DON QUIXOTE, of Mr. Quixote reprimanding an employer because he is beating his worker

page 2, discrimination of minorities and of the poor, reference to Senator Montoya's report.

Senator HATHAWAY. Next is Mr. David Pahl and he has a group of children here. I would like them to come to the table.

Mr. PAHL. Thank you, Senator.

Senator HATHAWAY. Mr. Pahl, welcome to the hearing. Will you introduce the members of your panel?

STATEMENT OF DAVID PAHL, EXECUTIVE VICE PRESIDENT, NORTHWEST FOOD PROCESSORS ASSOCIATION; ACCOMPANIED BY MRS. VAN DOMLEN; MRS. HENNINGSEN; MRS. VON WALD; JEFF TOLKE; DEANNA VON WALD; AND BRAD VANDEHEY, A PANEL

Mr. PAHL. All of these individuals have submitted written statements. We would like to ask the youngsters to read theirs. They are brief, but I think the committee will get a good impression of what the young people feel about this. As Senator Packwood pointed out, this so far has been the unheard from faction in considering this legislation.

Then we will certainly be glad to respond to your questions. Also the mothers have additional comments they would like to extract from their written statements and, of course, they will respond to questions, also.

Senator HATHAWAY. All right. Go ahead.

STATEMENT OF J. D. TOLKE

Mr. TOLKE. To me strawberry picking is a thing that always comes after school is out. I wasn't forced to pick, my brother and sisters each picked before me. I've been picking since I was 7 years old.

By picking strawberries, I've been able to buy a bicycle, school clothes and I've paid my own way to fly to Washington, D.C. I've been picking for five seasons and I'd guess I've made a little over $400 altogether. After a season or so, you can get the basics of picking in your head.

The longer you pick, the better you get, and the better you get the more you make. Adults get paid just as much as kids do per flat. The flats aren't too heavy. Most kids can carry two. The younger kids can carry a flat by themselves.

The field is dirty but you hardly notice it.

We have fresh water to drink at all times.

If a lady with children under 12 wanted to pick berries she would probably need a babysitter. After paying the babysitter, she wouldn't have enough money to make the day worthwhile.

I have never seen a kid get injured. If a kid feels sick, the platoon leader takes them to the bus and they can rest there. If they really feel bad, a parent is notified and the kid is taken home.

If you get a row next to a friend, you can talk, pick, have fun, and make money, too. When it is too hot, handling the fruit makes it mushy and poor quality. So we quit. If it is too cold, we quit. If it rains, we go to the bus. If the rain doesn't let up, we go home.

There, of course, are rules you have to follow, such as we all eat at the same time, we all quit at one time, usually 2:30. No berry throwing is allowed. If you keep it up, you may lose your job.

Picking berries is fun. You can tell jokes, talk with your friends from school, and make money, too.

In no way does it hurt kids under 12 or anybody else. It is a real good deal.

I signed it J. D. Tolke.

Senator HATHAWAY. Thank you very much.

STATEMENT OF DEANNA VON WALD

Miss VON WALD. I am Deanna Von Wald and I am 11 years old.

The only way I have of making money is by picking berries during the summer. I want the money for extra things like the portable TV my sister and I bought and a canopy bed that I earned the money for this summer. Some children need the money for school clothes and other necessities.

Berry picking is work but I really enjoy being in the fields with all of my friends. I live quite a way from my friends and wouldn't get to see them if I couldn't pick. We really have a lot of fun on the bus and in the fields.

We catch the bus at the end of our driveway. We ride the same buses we go to school on. A lot of the drivers are the same ones who drive the buses to school.

We don't pick in real wet weather and we wait on the bus during brief showers. In real hot weather we quit early. We never pick on Sundays. We never miss any school because the strawberries aren't ripe until about a week after school is out for the summer vacation.

We get paid for every flat we turn in. The flats weigh no more than 14 pounds. We don't have to carry them very far. The checkers are at the end of the rows.

We can stop and go to the restroom or get a drink of water when we need to. There is always good clean water in the field.

If we don't feel good, we can lay down on the bus and, if we are sick, they either take us home or call for our parents to come and get us.

The platoon leaders, field bosses and checkers are people we know and respect. Some are teachers, bus drivers, friends and neighbors.

I really felt bad when I couldn't pick, especially since I had already picked for 2 years and knew I could do a good job and make lots of money. I didn't have anything to do all summer.

I sure hope you can change this law so I can pick next summer.

Thank you.

Senator HATHAWAY. Mr. Vandehey.

STATEMENT OF BRAD VANDEHEY

Mr. VANDEHEY. My name is Brad Vandehey. I am 11 years old. I started picking strawberries when I was 6 years old. Mother picked with us for 3 years. Now we are old enough to pick by ourselves.

Two years ago my two brothers and I made enough money for an 18-foot swimming pool for our yard. Now when we get through picking berries, we can go home and go swimming.

Last year my brother, Brian, and I bought a Honda 70 with our strawberry money. We use our Honda when we change irrigation pipes

on our own farm. It saves a lot of walking up and down the hills checking the lines.

This year we put our money in the bank to save for our college education.

Besides picking strawberries, we pick raspberries at the neighbors to earn our school clothes, cucumbers for our football fees and spending money.

This year we even picked prunes for our Grandpa because he could not get other pickers to go out and pick. We also picked up walnuts so we could have money for Christmas presents.

My first reaction when I heard I couldn't pick berries this year was, "Hurrah!" Then I thought, "What am I going to do all summer?" I wouldn't see my friends. Gee, I wouldn't have money for baseball, football, my school clothes, or repairs to our Honda. My older brother, because he's 2 years older, will get to do all of these things and I won't because I won't have the money, even though I can pick just about as much as him. Some days I can even beat him, if he eats too many berries. Those berries are sure good right off the bush.

It really isn't hard picking berries. I try to keep up with my friends. If the weather is cool we pick until about 2:30 but if the weather is hot we go out earlier in the morning and quit at 1:30. When we pick cucumbers we only pick in the mornings. When we pick raspberries we are usually through by noon, too.

I feel sorry for the kids in the areas who do not have the opportunity to earn money in the fields for the extra things they would like to do. I think it is better for me to be with my friends making money in the berry fields than walking around town with nothing to do and no money to spend.

Thank you.

Mr. PAHL. There was a fourth child, Deena Killion, who was scheduled to testify. Unfortunately, there was an injury in the family last evening and they didn't know if they could come from the hospital in order to be here.

We would certainly ask that her written statement be included in the record.

Perhaps you have questions of the youngsters or would you like to hear from the mothers now?

Senator HATHAWAY. Let's hear from the parents first.

STATEMENT OF MARIAN VAN DOMLEN

Mrs. VAN DOMLEN. I am Marian Van Domlen, the mother of six children, and I have gone to the fields with them for the last 3 years. Last year three were under 12 and three were over 12. When we went strawberry picking I went with the older three. When we picked cane berries we were in a small field so I took all six of them and we worked together. The last crop we picked was cucumbers. I took the older children to the field but I stayed home with the younger ones.

My object in going with the children was to help them to learn to work and encourage them to go and do a good job.

STATEMENT OF BILLIE HENNINGSEN

Mrs. HENNINGSEN. I am Billie Henningsen, I am the mother of four; three are eligible to pick. The fourth one I have to leave at home. The first year I went out with them, they were 6, 8, and 9. The following year I had to stay home with the youngest one and sent the others on the bus at 9 and 10. They proved themselves very capable and I didn't think it hurt them at all.

The following year I started working as a checker in the fields. For the past 4 years I have worked with these children. Last year we had a number who were very disappointed that they couldn't come back. We had them in the field 2 years but because they were under age they were not allowed to come back. This would have been their third year of picking and they could have done an exceedingly good job and they were very disappointed.

By 12 they sometimes have other interests and might not want to pick berries. When they are 10 you can work with them and teach them and they accept it. By 15 they are usually ready to go on to bigger and better things, bigger jobs and this sort of thing. I feel sometimes by 15 if they don't have a basis of how to work and what it is all about and how to manage some money of their own they have lost a lot of it.

STATEMENT OF ELLEN VON WALD

Mrs. VON WALD. I am Ellen Von Wald. I am the mother of three daughters, 12, 11, and 5 years old. My girls have been picking since they were 8 and 9. The first year I also went out with them and showed them what it was all about, what berry picking was all about. Since then they have been picking by themselves.

They catch the bus at the end of our driveway. They ride with the next-door neighbor who is a very responsible schoolbus driver. They ride in the same buses they ride on to school every day, so the transportation is very safe, I feel.

They are supervised by some of their own schoolteachers and by other bus drivers, mothers, friends, people that I know. I feel the children are in good hands at all times. I don't feel they do anything that is dangerous or harmful to them. They don't lift anything heavy. The bending and stooping is very good exercise for them and I feel they do need this and this is one way they are going to get this, rather than lying in front of the television in the morning.

They need to know how to handle their money. I think it is very important to them. I have had the experience with my girls that if they can ask mom for it it is great but, if they have to spend their own money for it, all of a sudden whatever they thought they needed isn't that important. This learning how to handle their money, what to do, when to spend it and when not to, is very important.

This summer I saw the effects of this ban in effect. My own daughter was very irritable and upset all summer. Her sister could go pick and in the patch she had either tied or beaten her older sister all along and it is very disheartening to see her coming home with all the money and you are sitting home with mom yelling at you to pick up something, which you wouldn't have to do.

Also I have a friend whose little boy was a total control problem all

summer. He would get on his bike and take off because he wanted to pick berries, too. His brother was out there. So these children in Portland are on the streets otherwise. I think it is a real problem to those mothers.

I personally picked berries when I was a child and so far I haven't seen any ill effects from it.

Senator HATHAWAY. Anyone else?

Mr. PAHL. Have any of the mothers picked recently?

Mrs. VAN DOMLEN. Yes.

Mr. PAHL. Could I ask how much you were able to earn?

Mrs. VAN DOMLEN. $16 to $18 a day.

Mr. PAHL. And supervised your children a little bit?

Mrs. VAN DOMLEN. That's right. I stayed behind them and helped them.

Senator HATHAWAY. Are the children paid the same rate?

Mr. PAHL. Yes, they are, exactly the same rate.

Senator HATHAWAY. Do you feel any pressure on you to work, do you feel you can work if you want to or not work if you don't want to?

Mr. TOLKE. Well, it just seems that you always do it. You aren't forced to. You go out and it is like you are not a slave in any way. It is easy work and you can keep it going slow or you can really get down to it and really start blazing a trail, but you just can go the way you want.

Senator HATHAWAY. Is there anything else you can do to make money?

Mr. TOLKE. Not anything I can think of offhand. You can work for your parents but there it probably wouldn't be a fulltime job.

Senator PACKWOOD. You can work with your parents on a farm?

Mr. TOLKE. Yes, but not everybody has a farm.

Senator PACKWOOD. J. D., do you feel any harmful effects at all, like stunting your growth or anything?

Mr. TOLKE. No.

Senator PACKWOOD. Does it bother you getting up early in the morning?

Mr. TOLKE. You get Sundays off. You want to sleep in but after you get up it isn't bad at all. You can sleep on the bus going out.

Senator PACKWOOD. I have nothing further.

Senator HATHAWAY. How much time do you have to spend on the bus going back and forth?

Mr. TOLKE. 1½ hours to 2. But Deanna is my neighbor and our bus driver lives right in between us so we are the last people off the bus.

Senator HATHAWAY. Is it much different than the length of time you have to spend on the school bus?

Mr. TOLKE. Yes. We have to take the route of two or three other school buses, like I have a 7-mile ride to my school the way my bus routings go, but with berry patches you have to go back up in the sticks and get all those people back up there and it takes a little bit longer.

Senator HATHAWAY. Another member of your panel has arrived.

Mr. PAHL. Yes, Deena Killion is here.

Do you have your statement to present?

44-619 O - 75 - 4

STATEMENT OF DEENA KILLION

Miss KILLION. My name is Deena Killion. I live out of Oregon City and go to school at Beavercreek Grade School. I am 10 years old.

Senator HATHAWAY. Can you speak a little slower and louder, Deena, so the reporter can hear you over here. He is taking this down, you see.

Miss KILLION. I think this law that keeps me from picking strawberries is wrong. I think this law is unfair because it discriminates against us kids under 12 years of age. We like to earn money as much as kids older than 12 do. It teaches us the responsibility of earning and spending our own money.

Last spring I was signed up ready to pick strawberries when the law was passed that said I couldn't pick because I was not 12 years old and my dad said I couldn't because of the law.

I was really mad because I couldn't pick strawberries and buy the things I wanted to buy. For instance, I wanted to buy my brother a nice birthday present and buy presents for the birthday parties I was invited to.

These are the reasons why I and my three girl friends wrote Senator Packwood a letter asking him to speak on our behalf.

I think this is a bad law and feel it should be repealed. Anyone should be allowed to work if they want to.

Senator HATHAWAY. Thank you very much, Deena.

Senator PACKWOOD. Just for the record, is your dad Dean Killion?

Miss KILLION. Yes.

Senator PACKWOOD. Does he know you are here testifying today?

Miss KILLION. Yes.

Senator PACKWOOD. Do you know if he is here to testify, too?

Miss KILLION. No, I don't.

Senator HATHAWAY. For the record, he is the head of the AFL–CIO in Oregon.

Senator PACKWOOD. Right.

I have no more questions.

Senator HATHAWAY. Thank you very much for your informative and interesting testimony.

Next is Mr. Ronald Taylor, author of "Sweatshops in the Sun."

Mr. Taylor, we will make your entire statement a part of the record. I would appreciate it if you would summarize it.

Thank you for your copy of the book.

STATEMENT OF RONALD TAYLOR, AUTHOR OF "SWEATSHOPS IN THE SUN"

Mr. TAYLOR. He is faster than I am; I didn't know you had it.

Senator HATHAWAY. This isn't the one you promised me. This one says, "Please return to Migratory Labor Subcommittee." [Laughter.]

Mr. TAYLOR. I will autograph a copy for you.

The committee has copies of my talk. I would like it to be in the record if possible, the stories I have done for the New York Times, the Los Angeles Times, for the paper I work for, the Fresno Bee.

I have also included there a story done by a Los Angeles Times writer named Ursula Vils. This was in a strawberry field in the Salinas Valley. The cover picture that I included there is a 9-year-old girl.

She is a local girl, school is in session, she is in the strawberry field because she is too sick to go to school.

This has nothing to do with the Willamette Valley, that was just the background of the picture.

I believe that my youngsters, my 11-year-old daughter and 15-year-old son and my 17-year-old son, should learn the lessons of labor. My 11-year-old daughter this summer earned enough money to buy herself a clarinet that her parents thought was too expensive. She worked around our own home, granted it is my money one way or the other, but she did the work. My two boys have worked since they were 15 as mule-packers in the mountains. They take their own money and do with it what they will. It may be foolishly spent, but it is their money.

So what I have to say, I am not opposed to children working, as differentiated from child labor.

I would like to qualify myself just a bit before I summarize my statement. I am a newspaper reporter, a magazine journalist, and I have written a book on child labor on the farm called "Sweatshops in the Sun," which you have there.

I am a graduate of Washington State College then, now Washington State University, and I know the Northwest pretty well. I used to be a rodeo cowboy and ride bulls and bucking horses up here. I really like the country and I am familiar with the locale.

What I have seen in child labor—I came back to work on the book in the Willamette Valley—I began to realize, especially here, because you are arguing for the labor of kids in the Portland school system, we are dealing with mythology, really, and I think it is a mythology that kind of sugar coats the reality of it.

We say the farm is a nice place for kids to learn to work. It is kind of like if work is virtue the American farm is the ultimate place to learn these virtues.

But we are covering up some very harsh realities. Farmers all over the United States have always depended on a cheap supply of labor. In the South there were black slaves; in California and in the West in these great land baronages that developed out of the Mexican land grants and the manipulation of U.S. land laws they imported Chinese coolies in the 1870's, Mexican peons, Filipino boys, and children. The children worked on the family farms. You know, the mother and father created their own work force on the family farm. But the key is the economics of it. It is cheap labor.

In California they call them peons or they call them coolies. I suppose they have names for them up here. It is a derogatory and derisive term. That is a whole different argument, when they are used, the mechanics of this. But, if you stop and think about it, the cheap labor, if in the United States today—my figures are 1971—in 1971 if the farmers of the United States paid industrial wages in using U.S. Department of Labor and Agriculture figures, it would have cost them $3 billion more.

Now, we are saying that the farmer cannot afford to pay wages. The children of the Willamette Valley are used in the minority, if they are the minority in the work force, to depress wages. It may not be a conscious effort, and this is going to be a very unpopular thing to say, I suppose here, but, by recruiting children in the cities and

bringing them out, whatever your arguments are, you depress the wages of those people who depend on agriculture for a living.

The migrants who used to come into this valley, and still do in some number, but there is an argument as to whether it is more or less, try to settle out. I have talked to these families in the routes of the migrant streams in California, in Texas, Florida. These people want to settle. These are professional farm workers, and they want to work.

You in the U.S. Senate or the full Congress have kept them outside of any kind of law that would protect them, would allow them to organize. So the migrants in the Willamette Valley, the settled-out migrants from San Juan, from Florida, Texas, these places, want work. You were asking why there are more workers—I don't know if this is true, I am accepting the lady's testimony—the number of workers in the field seems greater. I would like to suggest that there is less work per man or woman or child. The migrants have told me, the settled-out families have told me that they used to be able to work 4 or 5 months or whatever the season is up here. For hypothetical numbers there would have been 100 people in the field, but now there are 150 people in the field, and the same number of strawberries, relatively speaking, so there is less work in that field for the numbers of people, so if you finish at 2 or 3 o'clock in the afternoon, you try to find a job in another field. We are using children to replace jobs that should be done by adults.

The lady in your legislature, Mrs. Katz, testified and was using 1971, 1972, or 1973 figures. I picked 1970, but it is essentially the same thing she was saying. First they had gone through a heavy recruitment and gotten lots of children and then they had a lot of unemployment over the north Willamette Valley, so they had a good supply of labor, or a surplus of labor.

The State report for Oregon City, just outside of Portland, "Large numbers of unemployed factory and industrial workers began driving to the berry fields in such numbers that the growers were actually turning them away."

Now, if I am unemployed and an industrial worker looking to feed my family and I drive out to a berry field and I am turned away and there is a platoon of kids out there, I don't know what to say.

I am not going to argue that that platoon of kids is being hurt in the fields, although you can use rare exceptions. In 1970 in a bean crop near Woodburn a 13-year-old boy went out to pick beans, the foreman put him on a tractor with a 14- or 15-year-old boy driving the tractor, alternately driving and riding, and the tractor hit a chuckhole, the kid fell off, and the tractor ran over him and killed him.

Nobody wants to kill kids, obviously. Nobody wants to hurt them, but accidents like that happen. The farm is the third most dangerous place in the United States to work according to National Safety Council statistics and the most dangerous job on the farm by their statistics is driving tractors. Yet the State of Oregon and the rural manpower people, the Federal Government, in 1970 in this report, were arguing for training 14- and 15-year-old kids to drive tractors because farmers could not afford to pay the wages that adult workers demanded to make a living.

I think we are using a mythology to cover some really harsh facts.

I think if you pass this amendment to allow children under 12 to work in the fields for Oregon, for Washington, then why don't you do it for the rest of it? Why don't we make it a policy of the U.S. Government that agriculture, one of the greatest industries in the United States, needs the labor of children under 12 so the farmers can get their crops in? Let's do it right, if we are going to do it.

If it is really good for my kids to learn to labor—I know that jobs are hard to find—let's make a Federal program that we can teach kids labor and provide jobs for them, but don't use the two arguments, the farmers need cheap labor and that is why the kids are in the field.

The committee asked me to do something else briefly. In Oregon the argument is based primarily on the harvest of strawberries. In California we have an $87 million strawberry crop. They gross something over $10,000 an acre. I don't know if the figures are accurate. They come from the California Chamber of Commerce. They claim they grow 86 percent of the strawberries grown in the seven Western States. Suffice it to say we grow a lot of strawberries.

California has said that no child under 12 can work legally. That is a State law. Farmers in the strawberry areas say they do not want the labor of children. They don't hire them as such, they come in with migrant families and they are working with the families illegally. That is a whole other story which I got into in the book. But California has also said there is a minimum wage for all workers. Now the minimum wage 80 percent of the adults have to be making $2 an hour in the California fields, but there is a floor under that of $1.75. So every adult in the field has to be making that much. They break it down for kids 15 and 16 it is $1.75, 80 percent have to be making $1.75, but there is a $1.55 floor under that. Children 12 to 14 must be making $1.25 an hour, no matter what, so that you don't have kids going out there and because they can't pick or don't pick or play or whatever, you know they still have to be paid.

Even with all of the laws we have in California, we don't have the enforcement, so any rule or regulation you guys pass has to be policed and, if you don't provide the money to police it, it is not going to be passed.

The Federal Wage and Hour Division, its enforcement record is miserable as far as child labor law is concerned. I was just south of Fresno in the raisin harvest there. There are 35,000 people harvesting raisins; 30 percent of the workers in the raisin crop are under 12 years old, working illegally. You figure that is mom and pop and four kids. Two of the kids are under 12 and they are working. They are carrying the trays, they are getting the water bottles. They are not out there playing. The family needs every dime it can make.

The families in the Willamette Valley who are seasonal workers need every dime they can make. The family needs that money if father has a job irrigating or cultivating and they go into the fields. I am not arguing you should let all of the family work either, but I am saying, the economics of it, the kids from the city are competing with the kids from the farm and that is an unfortunate thing.

We are trying to pass a bill in California now, based on some of my work on the book and some of the magazine stories I have done, to fine employers up to $5,000 for repeated offenses for employing children under 12 years old. That is how strong they feel.

It passed the assembly and the senate and Governor Reagan vetoed it. We have a democratic, rather liberal Governor coming in, so it will probably pass next year.

But in California they really have made a law and they are going to try to make it stick, saying we don't need the labor of children under 12. I am talking about kids under 12. I just hope the Senate of the United States and the House do not make it a policy that we want to employ these children anywhere, whether it is in Maine or Oregon or California.

Senator HATHAWAY. Is your book, Mr. Taylor, based on observations in Oregon and Washington? What States did it cover?

Mr. TAYLOR. I came into the Willamette Valley and went to the Rio Grande Valley of Texas. Obviously I am from California. I went to Florida, up to New Jersey, and personally, in touring, I ran out of money, because I am financing my trip out of my book advance. By telephone I did a whole series of interviews.

I was surprised at the candor of the farmers in Ohio where they were using labor and explaining why. I have some expertise in telephone interviewing. I consider I did a considerable amount of work in Ohio by telephone. I have been covering farm labor for almost 20 years, both as a social issue and a labor unit. I have been writing about Cesar Chavez, so I am familiar with seasonal patterns of farmwork.

I have gone into Mexico and interviewed the green cards. This is an issue you people are going to have to get into, the fiction of the green card commuters. But I have a general background in this subject area.

Senator HATHAWAY. Do you think these cards ought to be kept in certain limited situations such as we have in Washington and Oregon and maybe a couple of other States, where we had strict supervision, don't you think that might be a good idea?

Mr. TAYLOR. Absolutely not. I don't care how many restrictions you people in good faith want to build into the program. I know how the restrictions are enforced in California by the State or how they are enforced at the Federal level.

Senator HATHAWAY. It just became law this past year, so the Federal level really hasn't had that much chance to gear up for it.

Mr. TAYLOR. A man named Robert Petrokowsky, who is an area supervisor for the wage and hour people with offices in Cleveland, tried for 3 or 4 years to get the little kids working illegally after the schools had started out of the tomato fields in Ohio. The farmers couldn't do it because of this reason: The churches and everybody had a very sound, as far as they were concerned, mythological structure built around the kids. They were going to be there 3 or 4 weeks or a month or however long the tomato harvest carried on after school started. It was clearly against the law.

Petrokowsky was trying every method he could think of. I have a stack of all of his newspaper clippings, publication notices, stories, plus interviews with him. He finally found the key. Under the Fair Labor Standards Act, there is a hot-cargo provision. He went to Hunt and the other tomato processors and said, "If you ship tomato catsup, say, out of this State and there are children in the fields, we are going to slap a hot-cargo injunction on you. It is going to be harassment, but that's the way it is going to be."

Hunt went to the farmers and said, "Get the kids out of the fields."

They had preseason contracts and it is right in the contracts, no child labor.

As far as I know—maybe the system has evolved around some other way—the last time I checked they were not using child labor illegally in the tomatoes in Ohio. They found out they could pick the crop.

Senator HATHAWAY. If we limit an exemption just to school districts and we are going to get the cooperation of the superintendents of schools and so forth, it seems to me it would be very easy to enforce.

Mr. TAYLOR. In California, every child over 12 must have, up to the age of 18, a work permit from the local school district. Down there it may be worse because it is illegal, and we have more children working in the fields than you do because there are only nine area investigators to do this. The schools are run by local people who see nothing wrong with shutting school and getting the kids in the field. That is getting pretty close to your point. They do it routinely.

We have 40,000 or 50,000 kids, migrant kids, who are not in school after school starts and nobody knows where they go and what they do. The head of the migrant education programs in the State, Emilio Lopez, in the State of California, has made this estimate. Nobody has called him a liar. The number may be 30, it may be 60, nobody really knows, but there are lots and lots of kids out there who are not going to school. These are the Texas migrants, the Mexican migrants, or whatever, but that is outside the arguments with which you are faced here, that migrant question.

The schools here recruit the kids, 15,000, 20,000, 30,000, whatever it is, that they show the movies to to get the kids in the field. You are still putting adults out of work.

On the radio this morning, Boise Cascade is laying off 500 people—I think that's the right number—in Salem and Vancouver. They said Alcoa was laying off 75 or 80. You have a fairly high unemployment rate—we do, too, I'm not throwing stones—but there are people out of work who need jobs, and I get back to that quote I read you, you know, they were turning unemployed people away from the fields.

Senator HATHAWAY. That is your main reason for being in opposition, that it is taking jobs away from adults?

Mr. TAYLOR. That is the main argument I use because I think that is the only one you really listen to, you know.

Senator HATHAWAY. Any job that a child does, he is taking it away from adults. If you let your son mow your lawn, you are depriving some man who could mow your lawn of that job.

Mr. TAYLOR. I am not arguing with kids on the farm who are the sons and daughters of farmers. I'm glad to see that the farmer is supervising these kids. That's fine. My kids mow my lawn. When it was legal for my kids to go out and work, they went out and worked. I insisted, not the employer, because they didn't particularly care, that they have the work permits, that they follow the law. I have no quarrel with that. I am limiting my argument now to children under 12. You know, we can go on forever about children over 12.

Senator HATHAWAY. That is what I am talking about. Children under 12 are doing other jobs, delivering newspapers, for example. This is depriving adults of a job, but that is always the case. We have programs for the handicapped, as opposed to able-bodied people, to

help them get jobs, because we think it is in the best interest of helping the handicapped to get a job. We think this is in the best interest of children under 12 in limited situations—at least I think it is, maybe the rest of the Congress won't agree with me—in certain situations to allow them to have a job. I think it is good for them, just as you think it is good for your children to be working around the house, to incorporate them into the work ethic at an earlier age, as long as the job isn't dangerous or harmful to their health, even though in some cases we might deprive an adult of a job. That is the balance we have to strike.

Mr. TAYLOR. First, I don't like to see kids under 12 delivering newspapers. I hope my boss doesn't fire me for it. Maybe some farmers out here hope that he does, you know. But I think that kids, when they are supervised, should learn to work, yes. I think 12, under 12, is too young, to formally go out and earn wages, outside my purview, for my kids. I do not like some of the things that happened to my boys when they went out at 15 and 16. They started when they were 15 at this pack station. I don't like some of the things that happened, but that is the relationship of the kid to his employer, and that is one of the things he has to learn.

If he doesn't like the job, he is free to quit or go to his employer and ask for more money. I agree that he should learn those things, but that is a job outside the argument that we have here. These are kids working legally, 12 years old or older. I just think under 12 is too much. It pains me to think that any industry would argue for the labor of children under 12.

Senator HATHAWAY. Do you have figures that show they are taking adult jobs, that there are adults willing to go out into these fields that are being deprived of jobs?

Mr. TAYLOR. I don't have any figures other than the statements from these Oregon Department of Employment reports. I have 1970 and Mrs. Katz had three other years. There is no way to put a handle on it, there is no way to know.

You get into a catch 22. A guy goes out to the field to get a job. There are too many kids in the field, he can't get a job, so he goes down to welfare. Then the farmer comes along and says, look, he is on welfare, he won't work here, so we need the kids. So the kids go to the fields, the man goes back out and he can't get a job. There is no way that you can beat that circle. Now, if the farmers paid industrial wages, you might not have any more berry farmers in the Willamette Valley, and that is sad.

There is a whole other argument about the family farm versus conglomerates. California is the furthest advanced in this. When Tenneco, which started out as a natural gas company, buys the largest farm in the world, over a million acres, they have built a $5 million food-processing plant. Its control in the San Joaquin Valley on a dozen different crops is unbelievable. You can't even describe the magnitude of what they do to the price structure, what they do to farming.

There is testimony before the Migrant Labor Subcommittee in January a year ago, 2 years ago, on this very issue. In testimony before that committee, they pointed out some of the tactics used by agribusiness in California to cut the throats of small farmers.

One of the subject areas I cover is the economics of small farming.

We have a tax-shelter thing going in California. I imagine it is all over, but I am just familiar with that one State. An oil company comes in and puts in 5,000 acres of olives on an aqueduct that we taxpayers, Federal and State, built, the California aqueduct. They employ nothing but illegals. They just caught a bunch of them out there. Those 5,000 acres of olives are putting small growers, olive growers, in Lindsay, which is the name for one of the finest kinds of olives in the country, and they are small farm operators, 200, 300, 400, 500, maybe 1,000 acres is the biggest, but they are family operations. Those guys are having a heck of a time making it because some oil company is getting a tax write-off and can make money in other ways through its manipulations. And that big company and other big companies are using illegal aliens now—and every other farm worker in California probably is illegal—to depress the wage structure again.

Senator HATHAWAY. What if the bill you are talking about which you say has been laying around Congress for 40 years had passed? It went through the House several years ago but it didn't get any further than that. With the increase in the Democratic majority in the House, it will probably see the light of day the next time and it will probably go to the Senate. If that should pass, wouldn't that solve the problem, because then the adults would be able to bargain for what you consider a realistic piece rate, which the children would have to get also?

Mr. TAYLOR. Obviously it depends on the kinds of amendments that are bargained out in passage on inclusion of farm labor under the National Labor Relations Act.

Senator HATHAWAY. Say, it is the same as for industrial workmen.

Mr. TAYLOR. Right now, if they were included without amending Taft-Hartley and Landrum-Griffin, it would be very difficult to organize workers because it takes an average of 52 days for the National Labor Relations Board to file a grievance. It takes 316 days to get a Board order. These are figures I developed on the Board for a story of mine. The delay is built in to the J. P. Stevens Co. and the Textile Workers, or the Cannon Mills, or UAW's most famous case in Wisconsin, Koehler. You can finesse farm workers or any other workers, textile workers, out of organizing. So it depends entirely on the amendments.

Senator Tunney or Congressman Sisk both have bills that would simply strike the language that excludes. Then you are going to have a big battle with Cesar Chavez and the AFL–CIO. They have their own battle going on that too, and the Teamsters. It is going to come up, I understand, and it is going to be very interesting.

Senator HATHAWAY. That is some of the reasons the bill has not passed, because of pressure by people representing workers on the farm.

Mr. TAYLOR. Absolutely. Chavez is opposed to it.

Senator HATHAWAY. They would lose their power.

If it were passed and we properly enforced it, I would think that would solve your problem.

Mr. TAYLOR. There are a lot of people, in the AFL–CIO, for example, who are arguing that point with Chavez right now. But they will be asking you for protection for seasonal workers in an amendment.

Senator HATHAWAY. I am getting some figures here that indicate that the farmworkers' minimum wage is fairly close to the industrial average.

Mr. TAYLOR. It depends on what farmworkers you are talking about.

Senator HATHAWAY. The staff member is pointing out to me the effect of the new amendments to the minimum wage law that in 2 or 3 years the minimum wage of agricultural workers will be rather close to industrial workers, which I presume would tend to bring up the average wage.

Mr. TAYLOR. But you have so many exclusions built into that——

Senator HATHAWAY. Like what? The small farms, for instance?

Mr. TAYLOR. That is one of them. But minors under 14 may not be employed in agriculture at any time, but there are wholesale exceptions and when you get through with the exceptions the kids of migrants aren't covered. Farmworkers are not subject to overtime pay requirements under the Federal wage and hour law.

Senator PACKWOOD. I am curious about the philosophy of under 12 generally, forgetting for the moment the issue of cheap farm labor, whether or not it should or should not exist for the benefit of society. you basically say that kids under 12 should not work, period? I think that is what you said.

Mr. TAYLOR. Yes.

Senator PACKWOOD. They shouldn't deliver newspapers or caddy at the golf course?

Mr. TAYLOR. I don't think they should be hired out.

Senator PACKWOOD. Should they be allowed to even mow their neighbor's lawn?

Mr. TAYLOR. I don't know; my own kids did it.

Senator PACKWOOD. I suppose all of us have had kids in the summertime stopping at our mailbox with a mimeographed flyer, "My name is John Jones and I would be happy to mow your lawn or wash your windows and I can be called at". At least that is a common experience where I live in Washington. I don't know how old those kids are. But you say, if they are under 12, they shouldn't be allowed even to do that?

Mr. TAYLOR. What I am trying to say is that I think I am responsible for my kids and I think one of my responsibilities is for them to learn to work. I think under the age of 12—and 12 may be a very arbitrary number. I would never decrease it, I would push it up with great reluctance. I don't know who came up with the number 12—but, using that for your argument, I think it is important for the kids to learn labor. I think it is important for them to work. I think it is also important for them to do it under conditions that I govern as a parent. I don't want to give you that responsibility and I don't think you should want that responsibility.

That argument, and it is a very hard one to deal with, because I think we are both philosophically on the same wave length, is used to cover the fact that an industry needs, by its own admission, the labor of children under 12. I don't think any man has a right to make a profit on the backs of kids under 12. They don't do it in the mills any more; they don't do it in the mines any more.

Senator PACKWOOD. But your argument is you wouldn't allow it. No matter what the minimum wage is, no matter if the kid was paid $2.25

an hour and he did nothing. If he is under 12, no, he can't work, it is bad for the kids?

Mr. TAYLOR. I am saying it is my responsibility as a parent and I will exercise that, such as mowing the lawn around my house. In the case of my 11-year-old daughter, she did housework for my wife, housework we would normally have hired out, so I guess I am putting somebody out of work, but it is in my own home under conditions controlled by me.

Senator PACKWOOD. But you are saying, no other parent should be allowed to say to his kid, if you want to work out there, fine. You are saying "No," that is a prerogative to be taken away from the parents?

Mr. TAYLOR. Well, the Congress has been taking it away from parents for quite a long while.

Senator PACKWOOD. Your philosophy is that no parents should be allowed to allow their children under 12 to work?

Mr. TAYLOR. My philosophy is I don't think the U.S. Congress should make it a policy of using the U.S. Government to say we need the labor of children under 12 for whatever reason.

Senator PACKWOOD. You answer the question "Yes," we should take the parents' rights away?

Mr. TAYLOR. No, I didn't answer the question "Yes," we are going to take it away. I prefer my phraseology to yours.

Senator PACKWOOD. I have no more questions.

Senator HATHAWAY. Mr. Taylor, I guess that is all we have. Thank you very much. We appreciate your testimony.

[The prepared statement of Mr. Taylor and other information referred to follows:]

Ronald B. Taylor
1833 Vale Lane
Visalia, California 93277

Subject: Child Labor
On The Farm

Testimony before the
U.S. Senate Committee on
Labor and Public Welfare

Portland, Oregon
December 5, 1974

THE MYTHS OF CHILD LABOR

I have titled my testimony today "The Myths Of Child Labor" because I believe that is what we are dealing with here, a set of romantic notions, an elaborate structure of twice told views and half truths that give expression to some deeply held emotions. I want to examine these myths with you, and then add my comments and observations.

But, before I do I should like to qualify myself. I am a newspaper reporter, magazine freelance writer, and the author of two books on farm labor. Twenty one years ago I graduated from Washington State University with a degree in agriculture and a minor in journalism; while at WSU I was also a rodeo cowboy, traveling through this great Northwest and, although I never stayed too long in any one spot, I became fond of the entire region.

While I now live and work in the San Joaquin Valley of California, I visit here whenever I can, and I'm now at work on a historical novel that involves the cattle and fur trade between the Willamette Valley and California in the 1830s. Essentially I am a rural person; I live in a small town and I have sepcialized in reporting rural problems. I have written extensively about a full range of farm problems, from the nuts and bolts of building a better cultivator to the sophisticated tax shelter schemes developed by conglomerates, schemes that have little or nothing to do with the profitable production of food, schemes that commit tens of thousands of acres to tax loss ventures that compete with the family farmer who must sell his crops at a profit to survive.

I preface my testimony with such information because I know that in farming areas like the Willamette Valley, my testimony will be unpopular and I wanted to show---before the emotions begin to stir--- that I have some background for what I am about to say. As a reporter I have specialized in the problems attendant to rural poverty, prejudice and privation. Over the years I have written thousands of words about farm workers and their families; although the children were sometimes a part of those stories, usually the focus was on the problems faced by the families and/or the adult workers.

A Boston book publisher, Beacon Press, saw some of my farm labor pieces in a national magazine and asked me to write a book on child labor on the farm. The approach to the book---"Sweatshops In The Sun"---was national; I traveled the eastern migrant stream, from Florida to New Jersey, I went into Texas' Rio Grande Valley and Oregon's Willamette Valley to supplement the material that I had gathered in California over the past decade and a half.

"Sweatshops" was my first real attempt to focus on the world of those small workers who have always been in sight, but who have so long been ignored. Now, as I drive through the countryside, I find myself looking for children at work, and I see them in surprising numbers and I've begun to realize that we---you and I---see these children only as observers conditioned to the fact that child labor on the farm was, and still is a common---an even desirable---occurrence that is in no way out of the ordinary.

Child labor is a part of our American traditions, part of our mythology. A judge of a small justice court in rural California fined an employer $33 for allowing an 8 year old boy to drive a tractor. The boy's job was to pull a trailer loaded with bins slowly along beside a mechanical tomato harvester. As the machines---tractor and harvester---moved through the field, the boy had to position the bins to catch the fruit pouring off a conveyor belt that projected from the side of the harvester. The boy was so small he could not reach the tractor clutch or brake pedals. When he wanted to stop, or to shift gears, he had to slip off the seat, then step on the appropriate pedal.

The judge agreed the job was dangerous but argued the fine was appropriate "because I was driving a tractor when I was 8 years old. I have a strong belief that 90 per cent of our delinquency is caused by the fact that the state has legislated children out of jobs."

The state and federal governments have legislated against child labor, to a limited extent. These laws were passed---after a long, bitter struggle---to prevent the exploitation of children in the mines, the factories and textile mills, and later they were amended to safeguard children from the dangers of mechanized farm work. I don't think the judge---nor the farmers

of the Willamette Valley---want to see children exploited, nor do I believe he---or they---argue for 8 year old or 10 year old tractor drivers. The words of the judge, the farmers, the town merchants and their legislative representatives have a deeper meaning when they argue for the labor of children; they express the commonly held belief that labor is virtue and that labor on the farm is the essence of American virtue.

That is the basic premise upon which the mythology of child labor rests; as a result of this premise, and the elaborate mythology structured around it, the Congress is being asked to amend the federal law to once more allow children under 12 years of age to work on the farm. If the amendment is passed into law, the message is clear: the nation's policy condones and encourages child labor. I am convinced this is a mistake, but I also know that my views are in the minority. Child labor on the farm is clearly popular, and on the increase. In 1952 a Presidential Commission found 350,000 children under the age of 16 at work on the nation's farms; in 1970 one of this committee's subcommittees found 800,000 children under the age of 16 at work legally or illegally on the farm. In California, where it is against the law to work children under 12, the law is ignored. When 10,000 children under 12 work in the raisin grape harvest each fall---and that number constitutes one third the total harvest force---no one seems greatly concerned. Even when children are killed working illegally on the farm the prosecutors and judges shrug off these "accidents" or, if forced to act, impose token fines.

In 1971 a special American Friends Service Committee task force found "The use of children as industrial laborers was outlawed under the Fair Labor Standards Act of 1938, yet in 1970 one fourth of the farm wage workers in the United States are under 16 years old."

The newswires carried stories reporting the AFSC was opposed to the continued use of child labor on the farm. This position prompted hundreds of letters and newspaper editorials critical of the AFSC position. Two examples of these replies appeared March 24, 1971 in the Salem, Oregon newspapers, the Capitol Journal and the Oregon Statesman. The Capitol Journal summed up the myth: "Work is a builder of character, believe it or not...beside having the comradeship of other youths in the platoon, young pickers learn the value of a dollar and the joy of recreation earned; they gain a self respect...because of having contributed to the world's needs; they have helped saved the strawberries and beans for canning; they have earned their own spending, clothing and school money..."

Not a word was written in the editorial about low wages and the unemployment existent in the Willamette Valley at the time the AFSC investigators were there, making their observations. The editorial used great heapings of the myths to sugar coat reality. The Statesman was a bit more candid in its editorial: "The Willamette Valley has had trouble in the past fending off legislation in Congress designed to strangle this system, which not only works to the benefit of mid-Valley children in general, but to the farmers who would not be able to harvest their crops without the youngsters."

The farmers would not be able to harvest their crops without the youngsters. That is the key thought, those words strike to the very heart

of the issue: Economics, not mythology, govern the berry harvests and bean harvests. I will have more to say about this point in just a few moments, but first I would like to examine the myths in just a bit more detail, because I think these two newspapers have put us on the right track, if their thoughts can be blended.

And I want to emphasize these two newspapers' views are in no way extraordinary; they have summed up the attitude of rural America, as it was expressed in several dozen editorials directed at the AFSC child labor report. Almost in unison these writers asked: What better place for a child to learn the lessons of toil than in the open fields and vineyards first plowed by westering pioneers? Western man cleared the wilderness, plowed the virgin soil, took a woman to wife and together they created a work force in their own image, the boys to split the rails and harvest the crops, the girls to cook and sew and card and churn. And after the chores were done, the children likely walked some miles to school where they read in McGuffey's Reader: "I doubt if any boy ever amounted to anything in the world, or was of much use as a man, who did not enjoy the advantages of a liberal education in the way of chores."

While there are values to be found in these myths, there are also harsh realities that have been cloaked in the romanticism. The family farm depended upon cheap labor. As the plow was put to the great mid-continent plains, the family supplied the cheap labor. But in the South the labor on the plantations was that of black slaves. In the West, the great land baronies carved out of Mexican land grants or created by the manipulation of United States land laws, met their needs for cheap labor

by importing Chinese "coolies" or Mexican "peons" or Filipino "boys" or Dust Bowl "okies." Here in Oregon, you imported migrants, recruited school children and employed those from the city who could find no work elsewhere.

The slave, the imported worker, the child that helps in your harvests all have one thing in common: they are---or were---cheap sources of labor. The economic dollar and sense of this becomes apparent when a comparison of industrial and agricultural wages is made; if farmers paid industrial wages it would cost them $3 billion more each year, if you use 1971 figures for comparison. This is a direct subsidy, granted specifically to agriculture by the state and federal governments through laws that either exempt or shelter agriculture from social reforms. But the fact that farm workers remain outside the National Labor Relations Act, beyond the benefits of unemployment insurance, beyond the effective coverage of social security benefits or minimum wage guarantees are all subjects for other hearings on other bills.

There is but one question here, and that is should the Congress grant farmers the right to employ children under 12 years of age? Stripped of the romantic notions presented by the farmers' advocates, the central issue then is really economic. The farmer can not harvest his crop of strawberries or beans without the help of children 5 or 7 or 10 or 11 years of age.

Once the transition has been made from mythology to economics, the arguments shift their premise; the agricultural advocates then begin to base their logic on the desirability of preserving the family farm; the family farm must have special privileges if it is to remain economically viable. While the plight of the family farm has been well publicized,

while billions of dollars are spent propping up what is called "the family farm" economy, there are great profits being made in agribusiness, profits earned by great corporations that grow, process and market farm products as one part of a complex corporate structure. But these kinds of profits---the profits that drive food prices up, while farm prices decline---are never in full public view. We see the "poor farmer" fighting to keep his costs down by hiring children to save the strawberry and bean crops, but we hear too little about the corporate structures and tax loss "farmers" ---and that should read doctors, lawyers, oil companies, etc.---who drive land prices up, add agricultural products to a market supply without feeling the same kinds of economic constraints that force the traditional family farmer to produce his food product at a profit.

If you dig a bit deeper, right here in the Willamette Valley, you will find another economic picture that gets lost in the romanticism of the child labor-family farm myths. The farmers here, with the help of the schools and the federally funded, state operated farm labor employment service, recruit 30,000 or 40,000 children to work in the fields in direct competition with local farm workers and unemployed industrial workers in nearby cities.

I base this statement on conditions reported here by the AFSC, conditions I found here when I was researching the child labor book and, most significantly, conditions reported by the Oregon State Department of Employment in its annual report on the 1970 crop year. Because the AFSC and the state reports use the 1970 crop year, that will be the period I am talking about now.

In that season---as the local newspapers' editors looked back to respond to the AFSC report---it was argued the farmers needed the labor of the children. But that argument was made for a period of time when there was actually a surplus of labor in the Willamette Valley. State officials reported a "plentiful supply" of workers because of (1) a strong school recruitment program for seasonal strawberry and bean harvest workers and (2) an unusually high unemployment rate which cause family units to seek and accept agricultural employment in order to maintain family income.

"The usual supply and demand" for labor around Corvallis, for example, "was in good balance through most of the summer, with no serious shortages developing...this was attributed to poorer economic situations and better school recruitment response..."

The state report from Oregon City (just outside Portland) found "large numbers of unemployed factory and industrial workers began driving out to the berry fields in such numbers the growers were actually turning them away..."

I want to draw attention to the words used by state officials of the department of employment: "supply and demand was in good balance" because of "poorer economic situations." The farmer offers such unattractive wages he must wait for poor economic times to have an abundant supply of workers. While the farmers may argue---with some justification---that 1970 was an unusaual year, I would like to suggest that they take an economic look around right now. Times are hard, and getting harder, we enter a recession possibly headed for a depression. Do we want to make it a national policy to put the labor of children ahead of the labor needed by the unemployed adults to feed their families?

frankly, I am shocked and amazed to hear anyone argue the employment of children as young as this is needed in any industry at any time; but to argue now that the farmers need children under 12 years of age flies in the face of logic.

There are workers in this valley---former migrants who have settled here---who are put out of work regularly by the child labor platoons from the cities. These migrants turned settlers now must either f[illegible]m jobs---and continue to send their own children to the fields---[illegible] once more must go back on the road. These are professional farm workers. While researching "Sweatshops" I interviewed several of these families, talked to the teenagers who go to high school in Woodburn, a small farming town in the Willamette. They pointed out that where the family once could work long hours in the fields they now could find only a few hours of work daily because so many workers were in the rows the fields were picked clean by early afternoon. Not only were the work days shorter, but the seasons were over sooner.

I also talked with Mexican migrants who come into this country each year as "green card" aliens, traveling into the Northern California early apples, then into the Oregon strawberries and back to the fall apples in California, near Santa Rosa. In 1971 a crew of these migrants, angry because the Willamette strawberry grower they worked for paid only 80 cents a flat, struck, asking for $1. Because the harvest season had begun, the farmer upped the rate, rather than risk a loss while he found other workers. This crew included large numbers of children, the sons and daughters of the migrants.

When they got back into the apples in California a 15 year old girl decided to lead her own strike. She was working in a crew of children, ranging in age from 5 to 15. Most were Mexican migrants, but about a third of the crew were children from the local area, anglo kids working much as the "platoons" work here in the berries. They were being paid a few cents a bucket to pick the apples off the ground. The girl led the migrants in a protest, seeking a penny a bucket more, because in her memory their pay had never been raised. The strike was "broken" by the anglo kids and the Mexican parents were told to get their kids back in line or they would lose their jobs.

What harm is there in children picking apples off the ground? That depends upon who the children are, and where they come from. It would be difficult to argue that a few days or weeks of work for my 14 or 15 year olds in apple orchards or berry vines would be physically debilitating, if everyone followed the rules. But everyone doesn't follow the rules. this same crew of children in the apples were being hauled to work on flat-bed trailers being pulled by tractors---a violation of both state and federal law. Even the littlest were helping load apples into the bins, lifting weights beyond their capacities.

Farmers everywhere in the United States argue the farm is a safe place for children to work, yet the National Safety Council accident and death statistics show agriculture labor is the third most dangerous occupation in the nation. NSC statistics statistics for the 1970 year show 2,400 accidental deaths and 200,000 disabling injuries on the American farms. Tractor accidents were the leading cause of death and injury. While

there are no national statistics on the injuries to children, a 13 state study of 789 tractor fatalities found 12 per cent of those killed were between the ages of 5 and 14 years, too young to legally be driving, riding or working around such machinery.

To bring the picture a bit closer to the seat of this hearing, in the Willamette Valley in 1970, several months before the Oregon newspapers extolled the virtues of child labor in the fields, a 14 year old local, anglo boy was crushed to death when he fell from a tractor being driven by a 13 year old local, anglo boy. The father of the dead youth is a disabled farm worker, a former migrant who had recently settled in the Willamette. He said that his son had gone into the fields to pick beans, not work on a tractor. But once he was in the field, a foreman offered he and the 13 year old a chance to set irrigation pipe.

The pipe was carried on a trailer pulled by an old tractor. The boys alternately drove the tractor from place to place. At the time of the accident Michael Hays was standing on the rear axel housing, hanging on. The tractor hit a bump and he was knocked down, in front of the big rear tires. One rolled over him, crushing his chest. The death rated four or five inches of copy in each of the local newspapers, the same papers who took the AFSC to task for meddling in local affairs.

Obviously no one wanted a boy dead, but from evidence I found in the 1970 state employment annual report, farmers do need young boys to drive tractors and the government is willing to help out. The report stated: "It is getting increasingly difficult to find farm workers with the skill and experience required to run modern farm equipment who are willing to work for wages that farmers are able to pay."

Having made that determination, the state employment report then revealed its agents, in cooperation with federal manpower people, were establishing training classes for 14 and 15 year olds. The Fair Labor Standards Act requires "safety-training" before such youngsters can be permitted to drive tractors, and the taxpayers were supplying that training. How about those unemployed factory workers from Portland or Oregon City? Could they do the work? How about the seasonal migrant; could he be trained? Apparently these adults would require more money than the farmer could pay.

There is built into such circumstances a vicious Catch-22. The local worker can not find work, so he must go on welfare; the farmer then singles out the local workers who are unemployed and on welfare, calling them lazy and shiftless. This is the farmers' excuse then to turn to a supplemental supply of cheap labor, one that can not rebel, that cannot strike. It is interesting to note that as the school children get older, they drop out of the low paying fields and try to find higher paying jobs to finance the higher costs of high school, junior college and college.

I have tried here to present some of the myths and what I believe to be the truths hidden behind these myths. I know the family farm is in serious economic trouble, and I know that child labor is intricately tied into the larger complexities of farm economics. But I don't believe that it is sound national policy to salvage the family farm by using child labor. If the family farm is to be saved, some kinds of controls are going to have to be imposed on corporate and conglomerate farm managers who now manipulate great profits and tax advantages out of the rural countryside. Even then the family farm may go the way of the mom and pop

grocery store, the village blacksmith and the cobbler. The process is already far advanced. But these are other issues for other legislative arguments. The question before us here is whether or not children under 12 should be allowed to work on the farms.

Gentlemen, I do not care what safeguards you suggest, I do not care what great police efforts you mount to insure those safeguards, you can never convince me that it should be the policy of these great United States to authorize and expedite the employment of children under 12 years of age because an industry can not afford to pay adult wages. If it is in fact a good, sound policy to educate our children in the virtues of labor, then let's make an open, honest, federally funded educational project to accomplish that end.

But let us not sugar coat the economically sterile philosophies of a few farmers with an elaborate set of mythological nonsense and then declare the United States government in full support of something so crass, so avaricious, as child labor. It is time to put to rest, once and for all, those myths. The farm is not a good place for children to work, just as no factory, no mine, no cotton mill is a good place for children to work.

To argue that the farm is different---or that the Willamette Valley farms are the most different of all farms---is callous, to argue that child labor is good because the fields are lush and cool and the air unpolluted is a callous effort to mask the truths of child labor. It is time such nonsense was put aside, it is time that we all---the urban and the rural communities---begin to seek other solutions to the rural farm problems.

To argue that several thousand Willamette Valley youngsters are somehow benefited by the joys of working in the strawberry and bean fields at a time when unemployed industrial workers are being turned away from those same fields is fatuous. To argue for the labor of urban children who are somehow taught the virtues of labor by displacing professional farm workers is to reach for the heights of self-deceit. Especially when such arguments are used to keep wages low, so low the professional farm worker cannot earn a living for himself and his family.

The professional workers' answer to such employer tactics has traditionally been to band together into collective power units called unions. But the farm workers have been denied the protection of a law that has allowed other workers to form strong unions; with the aid of Congress the farmers have been able to subvert the will of the professional farm workers time and again, for decades. The farmers have used the most powerless workers, the slaves, the imported "peon" or "coolie" or "boy", or the children to help them reap the harvests, and they have argued successfully for 40 years they have had to take such a course because they could afford to pay no more.

If you pass this amendment to accomodate the farmers of Oregon, Washington, Michigan and Maine, then why not pass it for all of agriculture? Why not admit this nation can not harvest its crops without the labor of tiny children? That has been the policy of the federal government until recently. And now the one very small step made to outlaw the use of those small children under 12 years of age is to be swept aside? I hope not.

I would like to close with a thought from Elizabeth Barret Browning's "The Cry Of The Children:"

"How long," they say, "How long cruel nation,
Will you stand, to move the world, on a child's heart---
Stifle down with mailed heel its palpitation
And tread onward to your throne amid the mart?""

pp. 70-85 removed. Copyrighted newspaper articles

Senator HATHAWAY. Our next witness is Mr. Michael Fox.

STATEMENT OF MICHAEL FOX, COUNSEL, UNITED FARM WORKERS OF AMERICA, AFL–CIO

Mr. Fox. My name is Michael Fox. I am an attorney. My office address is 105 14th Avenue, Seattle. I am here as counsel of the Northwest area of the United States for the United Farm Workers Union.

I think all of you know the United Farm Workers of America is an AFL–CIO union that has very definite views on some of the legislative proposals submitted and being considered here.

We have submitted a short three-page written statement with six tables and appendices which I would like to refer to briefly through the course of my oral testimony, which I hope will be fairly short.

Senator HATHAWAY. The material you referred to will be inserted in the record at the conclusion of your testimony.

Mr. Fox. Rather than reading through the testimony, I would like to give you some excerpts from it and I would also like to make some comments on the legislation in an oral manner and make some comments on some of the testimony that has been delivered here thus far today.

First of all, there have been several references to the exceptions that farmworkers "enjoy" in the labor market. I would like to clarify those a little bit because they really go to some of the economic arguments that I think Mr. Taylor was touching on briefly.

Farmworkers have been excepted from most protective labor legislation that applies to other workers. There are special provisions which apply, in minimum wage laws, to farmworkers, and have since those laws were first passed. The National Labor Relations Act when it was passed in 1935 did exclude farmworkers and still does to this day. With the 1947 amendments to the act, if the farmworkers had been permitted to organize under the NLRA during that 12-year period, we might not even be here today to talk about what kind of situation the farmworkers are facing economically. They are facing competition from child labor.

I want to make it clear that our testimony is on behalf of farmworkers, people who work as farmworkers as their normal pursuit. If farmworkers had been permitted to organize during that crucial 12-year period, we might have a wage level and job security that we wouldn't even be considering this legislation today.

Other areas where farmworkers have been excluded are workmen's compensation laws. I understand that Oregon in the past 2 or 3 years has had workmen's compensation laws applied to farmworkers. That is pretty much the same situation in the State of Washington.

We have no unemployment compensation for farmworkers in the State of Washington and I understand you have no unemployment compensation for farmworkers in the State of Oregon. I am not aware of other States, but I understand that there are no States in the country where unemployment compensation is available for farmworkers, where agricultural labor is a credited pursuit in terms of obtaining benefits.

We are opposed, as I indicated in the written statement, to the use of child labor under the age of 16 in all segments of the economy. Some of the interchange between Senator Packwood and Mr. Taylor

would be refreshing to touch on. I would like to go back to that. I think that the element should have been introduced there on the depressing effect that the use of child labor has upon the wage levels. That sort of got lost in that interchange. I think that is the key factor.

Senator PACKWOOD. I didn't mean for it to get lost. I thought he was arguing on the psychological basis, the physical basis on children under 12. Forget whether it is a tradeoff, as the chairman said, is this an adult job or is it being taken away from adults? I was really trying to talk to him on a different plane. I realize the argument can be made that for every child who works that is a full adult job that an adult might perform.

Mr. FOX. My statement makes, I hope, a little bit clearer some of the tables I use in trying to show some unemployment statistics and wage levels in Washington State. I think it can be demonstrated, but I don't think it can be conclusively proved by any statistics but that the wage levels are depressed by the use of child labor. The simple fact of the matter is, in the crops that are hand harvested in Washington State, the lowest hourly wage levels are invariably where children have been historically employed. That is a fact.

There are several other artificial facts. We talk about the free-market system in labor. There are a whole number, of course, of artificial factors which affect wage levels. One factor, we believe, is race. We know that in Washington State the crops that are harvested by Chicano laborers are much lower, as much as 20 percent lower, in hourly wage rates than the crops that are predominantly harvested by white laborers. It is decreasing now, but we used to have almost total segregation by crops in Washington State. A lot of apples were picked by white migrants. A lot of hops were almost exclusively Chicano. This is the same geographical area, the Yakima Valley in Washington, only a little bit farther to the north where the apples are and the southern part of the valley where the hop harvest is. This can be seen in asparagus as well in Washington State. It is harvested almost totally by Chicanos.

The idea I want to get across, we have a number of artificial depressants to the wage levels of various agricultural crops in the Northwest. One, we believe, is the denial of unemployment compensation to farmworkers. The people who may be seasonally unemployed, can't obtain any credit for unemployment compensation, are not going to be attracted to that work because after we get through with the relatively short growing season we have in the Northwest, they are going to be unemployed. What are they going to do at that point?

There are a number of these factors. We believe child labor is one of them, and we believe it is a very significant one in actually bringing the wage levels down.

I have made reference already to the low wage levels that we have in the berry farms in Washington State. I am not a labor economist. I am not going to pretend any expertise in that. One of the ladies who testified today about working in the fields herself said that $16 to $18 a day is possible at best. This was the type of wage that one could expect to achieve.

It is my understanding, and I want to make clear that the workers I have the most intimate contact with have not worked as much in berries, because that is a western Washington State crop, some of them

travel across the mountains from eastern Washington and work in the berries during the months of low employment in the hop harvest, for example; there would be a kind of interim period where they could.

Sixteen to eighteen dollars may be the best. If that is, it is very much affected by the time period in which these berries are picked, from what I understand. Later in the year, the poundage and the time in which someone can fill a flat can change. It is going to decrease as the crop goes on. In other words, you have 1 week where you might have the best crop for filling up your flat or totaling your weight and it is going to be less later on. I understand with raspberries the distinction is very marked and at the end of the season you may not have a very good opportunity to make a good wage.

Now, in the material I have provided you with, on some of the tables, I think appendix 3, just wage rates in the northwest area of Washington State, that is Congressman Meeds' district up there. That is the Seattle-Everett area. There is a reference in there to a bonus system. I want to make the committee aware of this. I don't know if you have the bonus system in Oregon State. I want to make you aware of how the bonus system works. In view of what I just said about the decreasing suitability of the crop for picking takes on an added note.

The bonus system, the Farm Workers Union, has been unalterably opposed to for a number of reasons. First of all, we think it is a complete and utter and false misnomer. It is not a bonus system; it is a wage checkoff system. If you ask growers what the wage rate is, they may say $1 a flat. Ask again and you find it is 75 cents a flat, with an extra 25 cents thrown in, supposedly as a bonus, at the end of the season. Now, the bonus system is really a wage checkoff system to get people to stay until the end of the season. As I just mentioned, at the end of the season the crops are not at the same good level.

The bonus system has been prevalent in many crops of Washington State and through a strike in 1970 I think the Farm Workers Union succeeded in getting it eliminated from the hop harvest, which probably has the most intensive use of hand labor in the State in a short period of time.

I don't want to dwell now on the economic factors that are mentioned in the statement referred to and in our tables. The one thing I would like to go into a little bit more, that Mr. Taylor didn't touch on, is the circle effect of the low wage levels and the unemployment figures. There is no question that they are related. It is essentially a self-fulfilling prophecy that adults are not going to be attracted to this work if the wage rates are kept at low rates because of the employment of child labor.

I think that is a very clear and compelling argument. We do not have very high agricultural wage rates in Washington State. There are no union contracts in Washington State and no union contracts in this State or in Idaho for agricultural laborers. The wages do not even approach some of the California levels where workers are under union contracts. The hourly wage rates are very often very hard to compute because of the persistence of piece rate pay with no floor built in.

I have been to asparagus farms where people have worked 7 days a week, 10 and 11 hours a day, and come away with approximately

$80 a week. That is not just talking, but through examining the wage books and through depositions and interrogatories. That pattern is a prevalent pattern.

In asparagus, we have very heavy use of child labor. I have been to Del Monte asparagus camps. I think Representative Katz referred to Sunnyside, Wash. In the Sunnyside, Wash., area last spring, child labor was very heavily utilized. I have seen 8- and 10-year-old children out with asparagus boxes cutting in the morning during schooltime and prior to schooltime. The use of child labor is prevalent in the asparagus harvest in Washington, certainly, and in other areas not during schooltime.

But all of this, we believe, whether it is illegally used or legally used has a depressant effect on the wage rates in those areas and consequent lack of attraction to this type of work by adults.

Some of the material that I provided you with I find has become dated as of this morning. I made a reference in the written testimony to the fact that the national employment rate, the last figure we obtained this week, was 5.5 percent for October. Driving to the Seattle airport this morning, I heard that it is now 6.5 percent for the month of November and the radio commentator said he made a prediction that the recent layoffs in major industries will not be reflected yet and the real unemployment rate is probably in excess of 7 percent.

Now, we already have in Washington State an unemployment rate in excess of 7 percent. In doing some of the research this week, I found the figures are in excess of 7 percent by the latest figures and the officials in the Department of Employment Security in Washington are estimating now that we are really at about 8 percent.

Now, some of the areas where the berry crop is harvested have among the highest unemployment rates in Washington State. In appendices 1 and 2 that I have provided to the committee, table 1 referring to Whatcom County, that is the Bellingham area, the most northwestern county in Washington, during July and August 1974 we had an unemployment rate right around 9 percent. It ranges from a high of 10.1 percent in June down to 7 percent at the end of August.

In the Skagit area we have a much worse situation. In 1974 the range between June and the end of August is from 13.2 percent in early June to 8.4 percent by the end of August. That is a very marked rise, I might add, in both of those counties from 1973, a very significant rise in unemployment rates. Those areas, Whatcom and Skagit Counties, are not as intensively populated as the areas just to the south, in the Everett area, in Snohomish County and King County.

We also did include some figures indicating the unemployment rate, in appendix 6, unemployment in Pierce County, which is the Tacoma area, unemployment in the Seattle metropolitan area, King and Snohomish Counties, and unemployment throughout the State of Washington.

The unemployment rate in Pierce County, and this is where we have heard tales about a 1½-hour bus ride, you can get to the berry-picking areas from Tacoma in 1½ hours and you have unemployment in the labor force at the 10 percent level during the summer of 1974. We have in the Seattle metropolitan area, King and Snohomish Counties and the city of Everett, it is right around 8 percent. With the statewide unemployment rate in excess of 8 percent—excuse me.

Senator HATHAWAY. You and other witnesses have quoted these unemployment figures which you are trying to say are attributable to the fact that we have children working. I just don't know. It seems to me most growers would rather have all of the adults they could get to work on their farms. They are paying the same piece rate and because they are adults they could work a full day and could do a better job. I can't see why a farmer would want to hire little kids and tell the adults no, you can't work, if he is going to pay them both the same piece rate.

Mr. FOX. The reason is very simple, sir. The same piece rate is not going to stay there for a very long period of time if you have an adult work force. That is not going to stay there through normal market factors. The adults are going to demand higher wages than that. They are not going to work for $16 or $18 a day, period employment that is going to end in 3 or 4 weeks.

I am involved in representing labor——

Senator HATHAWAY. Do you have any figures to show where there are no children working the adults demand more wages for that short period of time?

Mr. FOX. The hops crop, for example, which is a major crop—Washington State is the largest producer of hops in this country—we had $1.60 wage rate in 1970.

Senator HATHAWAY. An hourly rate?

Mr. FOX. An hourly rate. It is almost impossible to do it by piece rate because of the large amounts of foliage to get to the bud. There was a strike that summer. The wage rates went immediately to $2 to get the people back to work. There hasn't been any strike since that time, but the wage rate has gone up and up to the $2.30 level. Adults do demand higher wage rates, whether by collective bargaining or whether by any other informal pressures, such as a man coming in and saying, "I just can't work for that." The employer is going to have to pay what the labor market demands if we have a totally adult market.

Senator HATHAWAY. You are saying I can get the children to work for me for less?

Mr. FOX. That is what is happening right now.

Senator HATHAWAY. What percentage of these total workers on these farms is children that we are talking about, of the age we are talking about?

Mr. FOX. In the berry area?

Senator HATHAWAY. In the berry area.

Mr. FOX. I don't know that. I am sure some of the growers could give some evidence.

Senator HATHAWAY. The other testimony indicated it ranges around 12 to 15 percent.

Mr. FOX. It is higher than that in Washington State; I know that for a fact.

Senator HATHAWAY. It would seem to me it would have to be significantly higher before the farmer could say he would no longer advance or increase wages because he could replace you with children. If all they can get is 12 to 15 percent, that isn't very much.

Mr. FOX. I think I can give you some figures on that, the State Employment Security figures on ages. All of these figures that are

included, by the way, in my statement are Washington State Employment Security Department figures. Again, some of the figures don't reflect the fact that a lot of farmworkers aren't covered by unemployment, and won't show up in the statistics, but I also have an estimate of covered employment.

The Employment Security Department, the gentleman just handed me a letter, it says 10 percent, approximately, were under 12 years of age in the Whatcom-Skagit County area. That is what the gentleman just showed me.

I am sure I know where that document comes from and I am trying to find it now. If that is wrong, I am sure some of the employers here can provide you more information.

All I have to say is that I have seen some of these fields in operation in that area and there are lots of kids. There is no question it is not 10 or 12 or 13 percent. There are lots of kids working in those fields. The figure that came to my mind is half, but I don't really know. I will accept the figure that this gentleman just gave me.

Senator HATHAWAY. You considered the number of hours they are working and how much they are working during those hours. The grower's bargaining position vis-a-vis an adult worker isn't very great if he has a large number of children that are not putting in lots of time.

Mr. FOX. 40 percent——

Senator HATHAWAY. Is your only gripe that the wage rate is being depressed: otherwise, you would allow the children to work?

Mr. FOX. No; I tried to limit my testimony to this one subject area. It was my understanding that the committee was very interested in this one subject.

Senator HATHAWAY. We are, but I just asked the additional question, if we could have a Davis-Bacon-type situation for these farms where children are working and say that they have to pay the wage rate of an area where no children work, that would solve your problem with respect to wage rate. What further objections would you have?

Mr. FOX. I don't know if that would actually work. You have to look at the employer's situation to get an idea what his incentive is as to what employees he wants to hire. If he can get 50 pounds of berries picked by a child at a different rate than he can get by adults, obviously he is going to hire the child.

We have to translate these into hourly terms for them to make much sense. You can't even talk about raspberries or strawberries or apples or oranges or what. If you could have some kind of indication that the adult workers were going to be employed at whatever piece rate to make a wage we could consider decent in 1974 in terms of providing for a family, I think that would take a lot of the economic incentive out of hiring children and would perhaps eliminate them as a significant market factor, as they are right now. But I just don't see how you can get away from the answer that the presence of children depresses the wage rates in this area.

Senator Groener said, I think, that it was utterly false that adult workers would be displaced by the presence of children in the labor market. I just don't see how anybody could consider that statement and not see its inherent flaws. There is a crop and it is going to be picked, through the free-enterprise principles which most employers

44-619 O - 73 - 7

usually parrot, they are going to have to pay more to get an adult work force than they do to get a mixed, heterogenous work force of adults and children. There is no question about that. People are going to be displaced. It is just another element of the self-fulfilling prophecy I alluded to earlier.

I think in some of the earlier testimony, and I only know about this by newspaper articles at the House hearings, the same statement was made by Oregon Representatives, that these adult workers are not going to be unemployed as a result of this. Now, there are some questions there that have to be asked and answered. If they aren't, why not? Is it because of the wage rate or for some other reasons?

Obviously, we have talked about just the presence of the children in an unorganized labor force. I am testifying on behalf of the Farm Workers Union, and you are not going to organize children into labor union members. These children are not year-round farm workers who depend on farmwork for their livelihood.

I can provide you with some personal experiences in the past year to let you know in Washington State we have never seen such a high unemployment rate among farmworkers as in the past summer and fall. There are a number of factors that contribute to this and I am not saying children is the only one. I don't think that has fluctuated as much as the overwhelming use of illegal aliens in the Yakima Valley area where farm labor is used most intensively during the harvest seasons. There are thousands of illegal aliens in the State of Washington who worked in those harvests last year. We had many, many resident farmworkers who were out of work and who could have worked in that berry harvest if people made it worth their while to travel across the mountains to the Yakima area, to the Skagit County area, which is only about a 3-hour drive.

Senator HATHAWAY. What I am saying, if you could find an area, and I don't know if you could do it with strawberries, where only adult workers are being used and use that for a standard of pay in an area where you have a mixture, wouldn't that satisfy your objective that the children were not depressing the wage rate and you would be prepared to allow the children to work?

Mr. FOX. The Farm Workers Union is opposed to the use of children as workers.

Senator HATHAWAY. That is what I am getting into. What other reasons do you have? These are the children we are talking about here. We aren't talking about the children of migrants, we are talking about the children who have testified here today, the ones who are residents of the area who work for a short period of time. They don't have to work 8 hours a day.

Mr. FOX. I am not sure that I understand the question precisely. The assumption was if we could find a situation where there was no question that there were not workers present that would take the jobs?

Senator HATHAWAY. We could solve the wage question if the pay in the mixed area was the same as the wages where only adults are available to work.

Mr. FOX. If we are talking about the Northwest, you are going to have difficulty say in the town of Mount Vernon, for example, we have only adult workers, and the wage rate is $2.40 an hour, but 40 miles north of there in the town near Bellingham we have mixed chil-

dren and adults. Obviously they don't exist as totally independent economic units. If wage rates are significantly higher, they are going to level out.

Senator HATHAWAY. I am saying there may be some difficulties, practical difficulties, in doing this. We will come to that later. I am asking you if you have any other objections.

Mr. FOX. I think we would object to the use of children under 12. Is that what you are discussing?

Senator HATHAWAY. Yes, although you said you don't want children under 16.

Mr. FOX. Right.

Senator HATHAWAY. We are confined here to the law as it is now, which is under 12. You said under 12?

Mr. FOX. Right.

Senator HATHAWAY. What other objections do you have?

Mr. FOX. As farm laborers or the work in general?

Senator HATHAWAY. The kind of labor we are talking about today, picking strawberries.

Mr. FOX. The primary factors, I think, that are very important to the Farm Workers Union are the economic factors and consequences, the labor organizational factors, which I have alluded to briefly. I am not equipped to get into a complex moral discussion and I don't think any of those issues have been—the people who have tried to do that haven't really made very clear arguments at this point.

There are certainly educational consequences, the reference to the title I programs, migrant programs, and other title I programs that exist in the summer, I don't think are insignificant. There are, for example, in the Yakima Valley, summer school opportunities that are available to the children who live in the Granger, Wash., School District, who qualify for those programs and would be able to go to work under the proposed exemption to this law, who might be able to get more proficient in English, for example.

One of the things we have to make clear is the use of migrant labor as a disqualified source in this geographical area. Several people have already stated in regard to Oregon, the settling out rate is higher. There is no question about that in the State of Washington. In the past 10 years the Chicano population of the State of Washington has more than doubled.

The reason it has more than doubled in a State whose population hasn't increased is that migrants have been settling out of the stream. Those ex-migrants still need substantial compensatory educational programs and economic assistance and so forth. They would, however, be eligible to work under these proposed exemptions. I have said I have seen migrant children from the Del Monte camps work under the age of 12.

Senator HATHAWAY. You say they are deprived of their education, by spending 3 or 4 weeks helping with the strawberry crop?

Mr. FOX. If the school program was in July or August and the harvest is in July and August, it is not a distributable asset.

Senator HATHAWAY. With the children having all summer off, it seems to me the schools could adjust the program to fit the berry harvest. It could be done after school in the regular school year as well.

That seems to me not such a big problem as you and others have made it out to be.

Mr. Fox. Again, I want to emphasize the economic consequences that I referred to.

Senator HATHAWAY. I understand that. I just wondered if you had others. It doesn't bother you that a child is working where an adult could be working or does it? It seems to me if you get into that argument you have to say which adults ought to be working. Should a man be working who has three children or should a woman be working who doesn't have any dependents? Are you going to say you should take the man and not the woman? You could make that argument, too.

Mr. Fox. I am not going to make that argument, but the argument that was made earlier by Senator Packwood, that we have programs for the handicapped to put them to work, doesn't that displace able-bodied workers and so forth? I don't think that is the issue. We are talking here about one and that perhaps would be another artificial depression, if you will, on the labor market. We are looking at social consequences of what we do here. We are not just looking at technological consequences.

Senator HATHAWAY. Right, and those who think children should work for wages think that is a good social consequence. We think it is a good idea or some of us think it is a good idea for children to be engaged in nonharmful work activities at the age of 9, 10 or 11 years old. Some of us think that is a good social consequence.

Mr. Fox. Right.

Senator HATHAWAY. We realize it may depress the wages but we realize that happens in other programs that people benefit from, that bring about good social consequences. It doesn't just happen on the farms but it happens in other places where young people work.

Mr. Fox. Those social consequences, I suppose, will have to be weighed by the committee. But what we think is the most important factor in that is that adult farmworkers should have a chance to get some kind of regular employment and not be unemployed as often as they are.

The main reason we are here is the adult farmworkers have one of the highest rates of unemployment in the United States. They also have one of the lowest wage rates—they do have the lowest wage rates in the United States. And if you couple those two together, it is sort of a double whammy. But if we can do something to eliminate one of them by eliminating this provision being proposed in the bill, this exemption, then we say quite simply, "Let's do it. Let's try to make the farmwork more regular."

Senator HATHAWAY. The wage rate is probably no lower than other unorganized workers. Other workers have a very low wage rate, they are paid the minimum wage because they are not organized. Probably the same thing is true of farmworkers.

Mr. Fox. Of course, for years the minimum wage as applied to farmworkers has been different.

Senator HATHAWAY. What do you think of the amendments of 1974?

Mr. Fox. They alleviated it certainly to some extent. By 1976 we will have to see what kind of effect that has on the labor market, when things approach more of a completely equal plane. I think it is going

to be very interesting as to what is going to happen at that point because historically the farmworkers' wages have not been influenced so precisely as other unorganized, relatively easy to learn jobholders have with regard to the wage levels. They have had a much greater range depending on the crop to be harvested or the job and so forth. Of course they are not hourly wage rates in many situations; they are piece rates. It is all much at variance.

Senator HATHAWAY. Thank you very much, Mr. Fox.

Mr. FOX. Thank you, sir.

[The prepared statement and information referred to previously by Mr. Fox and subsequently supplied follows:]

STATEMENT OF MICHAEL J. FOX
COUNSEL, UNITED FARM WORKERS OF AMERICA, A.F.L.-C.I.O.

Subcommittee on Labor
Committee on Labor and Public Welfare
United States Senate

Hearings on Child Labor in Agriculture
Portland, Oregon
December 6, 1974

The United Farm Workers of America, A.F.L.-C.I.O., (UFWA) is grateful for the opportunity to present this written statement to the Subcommittee along with the oral statement to be delivered at this hearing. The testimony offered today, both written and oral, is limited in scope, and deals with the subject which we understand is of prime concern to the Subcommittee at this time, i.e., a waiver, under certain conditions, of the child labor restrictions applying to agriculture of the Fair Labor Standards Act. The UFWA would like to reserve the option to present further written testimony concerning this subject within a reasonable time for inclusion within the record compiled by the Subcommittee.

The UFWA is opposed to the use of youngsters under the age of 16 in agriculture and in other areas of the economy. The use of child labor in agriculture has been regulated and prohibited on occasion at both the federal and state level, but children have continued to work in the fields of every major agricultural state in violation of these laws and regulations. Of primary concern to the Subcommittee at present, in the understanding of the UFWA, is the proposal that the present prohibitions against the employment of children under the age of 12 as farmworkers be waived under certain conditions.

The UFWA is against the utilization of children as farmworkers in any capacity, and under any conditions, no matter how "ideal" these conditions may supposedly be. It is the understanding of the UFWA that the Subcommittee is particularly interested in considering a waiver or exemption provision for the raspberry and strawberry harvests of the Skagit Valley in Washington, and the Wilamette Valley in Oregon. Growers have employed children under the age of 12 in these harvests for many years, and the recent amendments to the Fair Labor Standards Act will prohibit any future usage of children below 12 years of age.

- 1 -

The UFWA is against the employment of children under 12 on moral, humanitarian, medical, educational, organizational and economic grounds. Hopefully, all of these issues will be covered by testimony from other witnesses before the Subcommittee. This testimony will only address itself to the economic and labor grounds specifically involving the berry producing areas of Washington State.

Attached as Appendixes to this Statement are tables showing Washington State Employment Security Department figures on unemployment in Whatcom and Skagit Counties during the summer months (Appendix 1 and 2, respectively), and piece rates for picking in the berry harvests in those two counties (Appendix 3). The unemployment figures in Appendix 1 and 2 represent only "covered unemployment" under Washington's unemployment compensation laws. Unemployment figures which represent both covered and uncovered unemployment are shown in Appendix 4 for Whatcom and Skagit Counties. Although the figures in Appendix 1 and 2 show an unemployment rate significantly higher than the national average in both Whatcom and Skagit Counties, the real unemployment rates for adult workers are significantly higher, as shown in Appendix 4. Farmworkers, of course, are not included in the figures in Appendix 1 and 2 because unemployment compensation is not available to agricultural workers in Washington State by virtue of R.C.W. 50.04.150.

Real unemployment in Washington State is currently in excess of 7% which is significantly higher than the latest national figure of 5.5% (October, 1974). The populous areas of Snohomish, King and Pierce Counties, which are within driving range of the berry producing area, are among the highest in the State.

Obviously, the utilization of child labor would displace adult workers from this job market, and not alleviate the current high unemployment in Washington State. This is further exacerbated by the depressant effect which the utilization of child labor has on the wage rates in the berry harvest.

Because of the piece rate wage system, it is difficult to estimate the average hourly wages for adult berry pickers. There is no question, however, that the wage rates are less than the other crops in Washington which require extensive hand labor (asparagus, grapes, hops, among others).

Children, obviously, are not in a position to demand higher piece rates, or to exercise any significant bargaining power regarding wages through collective bargaining or other less formal means. The result is that wages in

the berry harvest are not at the level which a normal labor market would produce, and berry picking is therefore not desirable employment for adult workers.

The utilization of child labor in the berry harvest guarantees the development of a self-fulfilling prophecy that an adequate labor supply will not be available for the berry harvest. Adult workers need adult wages. There are enough unemployed adult workers within the State of Washington to carry out the berry harvest; in addition to the large number of unemployed workers in the Western part of the state, there are significant numbers of farmworkers resident in the Eastern part of Washington who would be able to migrate for the berry season if suitable wages were available.

During the summer and fall of 1974, thousands of farmworkers residing in the Yakima Valley of Washington were unemployed during the traditionally highest periods of agricultural employment. The UFWA believes, although there are no figures available showing unemployment among farmworkers, that the past summer and fall has witnessed the greatest number of unemployed Yakima Valley farmworkers in the past ten years. Many Yakima Valley farmworkers have traditionally migrated to the Skagit and Whatcom County areas during berry harvest, and many more would do so if the wage rates were high enough to attract them.

The UFWA has only addressed one small area of this problem in this limited testimony; for other items of interest, the UFWA would recommend that the Subcommittee consider the compelling book on child labor in agriculture by Ronald Taylor, Sweatshops in the Field.

To assist farmworkers in achieving fair wages and working conditions, the UFWA recommends that the Subcommittee not introduce any legislation which would permit a waiver of the current child labor provisions of the Fair Labor Standards Act.

Appendix A

UNEMPLOYMENT IN WHATCOM COUNTY*

1973			1974		
Week Ending:	Number	%	Week Ending:	Number	%
May 5	1,787	8.2	May 5	2,388	10.7
12	1,703	7.8	11	2,388	10.7
19	1,576	7.2	18	2,392	10.7
26	1,573	7.2	25	2,249	10.1
June 4	1,604	7.3	June 3	2,237	10.1
11	1,592	7.3	10	2,142	9.6
18	1,522	6.9	17	2,187	9.8
25	1,470	6.7	24	1,809	8.1
July 2	1,366	6.2	July 1	1,673	7.5
9	1,332	6.1	8	2,039	9.1
16	1,395	6.4	15	1,999	8.9
23	1,344	6.2	22	1,788	7.9
30	1,315	6.0	29	1,754	7.8
Aug. 6	1,344	6.2	Aug. 5	1,791	8.0
13	1,370	6.3	12	1,750	7.8
20	1,345	6.2	19	1,668	7.4
27	1,346	6.2	26	1,572	7.0
Sept. 3	1,416	6.5	Sept. 2	1,568	7.0
10	1,346	6.2	9	1,559	6.9
17	1,326	6.1	16	1,569	7.0
24	1,337	6.1	23	1,505	6.7
Oct. 1	1,358	6.2	Sept. 30	1,572	7.0

* This includes only Covered Unemployment, that is, those people drawing unemployment benefits.

APPENDIX A

UNEMPLOYMENT IN SKAGIT AREA*

(SKAGIT, ANACORTES, SAN JUAN, STANWOOD, VICINITY OF SNOHOMISH)

1973			1974		
Week Ending:	Number	%	Week Ending:	Number	%
May 5	1,614	10.6	May 4	1,954	11.7
12	1,575	10.4	11	2,027	12.1
19	1,567	10.3	18	1,932	11.6
26	1,590	10.5	25	1,655	9.9
June 4	1,569	10.4	June 3	1,934	11.6
11	1,416	9.3	10	2,207	13.2
18	1,333	8.8	17	1,951	11.7
25	1,266	8.4	24	1,966	11.8
July 2	1,192	7.9	July 1	1,738	10.4
9	1,127	7.2	8	1,861	10.9
16	985	6.3	15	1,983	11.6
23	1,025	6.5	22	2,179	12.8
30	951	6.1	29	1,839	10.8
Aug. 6	991	6.4	Aug. 5	1,794	10.5
13	1,087	7.0	12	1,645	9.6
20	1,102	7.1	19	1,586	9.2
27	1,167	7.5	26	1,439	8.4
Sept. 3	1,154	7.4	Sept. 2	1,304	8.0
10	1,180	7.6	9	1,541	9.0
17	1,210	7.8	16	1,520	8.9
24	1,190	7.7	23	1,523	8.9
Oct. 1	1,211	7.8	Sept. 30	1,672	9.8

* This includes only Covered Unemployment, that is, those people drawing unemployment benefits.

Appendix 3

WAGE RATES

NORTHWEST AREA (WHATCOM & SKAGIT COUNTIES)

1974

Strawberries:

75¢ - 80¢ per flat*
(Plus 25¢ bonus per flat for finishing season)

or

4¢ - 6¢ per pound
(Plus 2¢ per pound bonus)

Raspberries:

75¢ - $1.00 per flat*
(Plus 25¢ bonus per flat)

or

7¢ per pound
(Plus 1¢ per pound bonus)

Machine Harvester Operator: $1.75 per hour

1973

Strawberries:

60¢ - 80¢ per flat*
(Plus 20¢ per flat bonus)

Raspberries:

$1.00 per flat*
(20¢ per flat bonus included)

or

7¢ per pound
(Plus 1¢ bonus per pound

*1 flat=10 pounds

Appendix 4

UNEMPLOYMENT IN WHATCOM COUNTY*

1973			1974		
Month	Number	% of Labor Force	Month	Number	% of Labor Force
May	3,750	9.7	May	4,900	12.2
June	4,160	10.5	June	5,370	13.3
July	3,490	8.9	July	4,710	11.6
August	3,210	8.4	August	4,120	10.5
September	3,080	8.2	September	3,430	8.9

UNEMPLOYMENT IN SKAGIT COUNTY*

1973			1974		
Month	Number	% of Labor Force	Month	Number	% of Labor Force
May	2,850	10.2	May	3,230	12.3
June	3,000	10.8	June	3,710	13.4
July	2,250	8.1	July	2,730	10.0
August	2,350	8.7	August	2,880	10.5
September	2,240	8.2	September	2,480	9.2

* This includes both covered and uncovered unemployment.

Appendix 5

AVERAGE NUMBER OF PEOPLE UNEMPLOYED* PER MONTH

WHATCOM COUNTY	1973
May	1,635
June	1,297
July	1,353
August	1,353
September	1,359

WHATCOM COUNTY	1974
May	2,352
June	2,094
July	1,851
August	1,695
September	1,555

SKAGIT AREA	1973
May	1,586
June	1,396
July	1,052
August	1,086
September	1,183

SKAGIT AREA	1974
May	1,892
June	2,014
July	1,840
August	1,611
September	1,524

* This includes only Covered Unemployment. (Those people receiving unemployment benefits)

Appendix 6

UNEMPLOYMENT IN PIERCE COUNTY*

1973			1974		
Month	Number	% of Labor Force	Month	Number	% of Labor Force
May	12,000	8.2	May	13,800	9.1
June	14,300	9.5	June	15,600	10.0
July	13,400	8.9	July	14,000	9.1
August	12,800	8.6	August	12,900	8.4
September	12,400	8.4	September	12,600	8.2

UNEMPLOYMENT IN THE SEATTLE METROPOLITAN AREA*
(KING & SNOHOMISH COUNTIES)

1973			1974		
Month	Numbe.	% of Labor Force	Month	Number	% of Labor Force
May	45,600	7.4	May	47,900	7.6
June	51,600	8.2	June	55,200	8.5
July	47,600	7.6	July	51,000	7.9
August	45,700	7.4	August	48,800	7.6
September	72,000	6.8	September	43,300	6.8

UNEMPLOYMENT IN THE STATE OF WASHINGTON*

1973			1974		
Month	Number	% of Labor Force	Month	Number	% of Labor Force
May	111,800	7.6	May	123,600	8.0
June	123,900	8.0	June	144,100	9.1
July	113,000	7.5	July	130,100	8.3
August	107,600	7.2	August	125,100	8.1
September	99,000	6.7	September	109,200	7.1

* This includes both covered and uncovered unemployment.

Senator HATHAWAY. The last group of witnesses we will have before we go to lunch is the group with Mr. David Pahl.

Mr. Pahl, do you have a statement for the record?

Mr. PAHL. Yes, we do. It has been filed with the committee staff.

Senator HATHAWAY. We will make all of the papers a part of the record at the conclusion of your testimony and we would appreciate it if you would summarize the main points.

STATEMENT OF DAVID PAHL, ACCOMPANIED BY RANDALL P. GARBERG, ROBERT L. CONROY, AND ROBERT SCHLEGEL

Mr. PAHL. The same thing is true for each of the gentlemen with me. We certainly appreciate your being here this morning.

I would like to just highlight one part of my written statement. The suggested remedies that Congress is considering in S.J. Res. 211 and H.J. Res. 1033 and H.R. 15050, we agree with the objectives of these bills but suggest that some changes be made to simplify the administrative procedures and improve them while still providing the protection that Congress intended.

Modified legislation has been discussed by our organization and we expect to have draft language to submit to the committee staff within the next 2 days.

As a principal coordinator of the industry's efforts in this area, my Northwest Food Processors Association offers our continued assistance and cooperation to the Senate Labor Subcommittee and to you in helping to develop some workable legislation that can accomplish what is needed here.

The only thing I would add to that is the figures that have been thrown out with respect to unemployment and numbers available and not available I think can be pretty well reflected against the statement by the processor people here this morning and also the growers you will hear from this afternoon as to their willingness to employ adult workers and the cost of hiring adult workers versus young people, because there are some cost differentials to the grower in that it is more expensive for them to recruit young people and have them do the work, and their productivity is undoubtedly less.

I think your questions to a number of these people will certainly help put those unemployment and willingness-to-work figures in proper perspective.

STATEMENT OF RANDALL P. GARBERG, GENERAL MANAGER, SHUKSAN FROZEN FOODS, LYNDEN, WASH.

Mr. GARBERG. My name is Randy Garberg. I have a prepared statement for you.

I am a partner and general manager of a strawberry, raspberry, and blueberry processing plant in Lynden, Wash., which is 4 miles from the Canadian border.

I think there have been lots of arguments going around here today that really don't pertain to the matter at hand. No. 1, we talked about health, and there will be professionals later on that will speak directly to them.

We don't have a health problem, we haven't had a health problem. We haven't had sickness break out in our berry fields and our camps and so forth. I consider it more of a hazard to have to come to your big city here to the hearing and breathe the air that we do than if you would come to the country and breathe our nice fresh air with your hearings on the hazards we have for our kids in the field.

Safety is the same thing. We do not have these children working with machinery. We have had no serious problems. I was born and raised on a farm and have been involved with it all my life. We have had no serious accidents as far as strawberry pickers. The paperboy on the street has a far more hazardous job in my mind than our kids do out in the field picking strawberries in the summertime.

On the employment situation, naturally we would rather have adults out there. I have statistic figures here that show they just don't show up. We have a small company up our way that once in awhile lays off several thousand people by the name of Boeing. I have yet to see any of the Boeing engineers out in the strawberry fields in our area picking strawberries to supplement their income.

I have figures here of a survey that was run in 1967 that 43 percent were under 12 picking berries in Whatcom and Skagit Counties. Less than 2 percent were 18 years and older. That tells you that we don't have them. If we don't get these kids out to pick our berries, we feel that 25 percent of our crop will be left in our fields. This is a crop that has to be picked today, you can't wait till tomorrow. We have to have the labor force. Fortunately with staggering schedules and some of the growers picking they can use some of their pickers on other farms to help out. When we get into the peak season, a grower who has his help lined up isn't willing to let them go someplace else.

Let's get to the economic situation, which is basically my part of it. Let's talk about it right from the start. We talked about minimum wage and we were complaining about that and any adult that is worth his weight in salt out in the berry field can make more than any minimum wage we have in the United States at this time. If he can't pick a couple or three flats an hour, then he probably shouldn't be out there in the first place. He is going to get a $1 a flat, so he is certainly going to be making more than the minimum wage, so that is not a factor.

That brings it up the line when the fruit comes to the processor. We hire in a 3-month period, our plant is open for basically just the summer, our plant runs only strawberries, raspberries, and blueberries. We hire approximately 123 people; 75 percent or more of these are high school kids of age 16 and over and college kids. In that 3 months, we put out an average payroll of $56,000. So my contention is this, that we are going to deny the kids the ability of earning a few dollars in the field, learning how to make money, learning how to use their money. We are going to then deny them in later years the ability to earn money for their higher education, to say nothing about the fact that we will have to buy as a processor less of this commodity called sugar, which we would like to buy less of anyway, but this, then, has repercussions right on through the total economic system of our country, from transportation to warehousing to industries, the carton industry, can industry, you name it, it touches it from then on.

We have one important fact that is pretty detrimental to the strawberries in the Northwest. When we talk about the Northwest, of

course, we are talking about Washington and Oregon. That is our Mexican import situation. That is a battle that has seen these smaller growers go out of the industry.

We are different in the State of Washington from the standpoint that we have a few larger strawberry growers, whereas in Oregon you have more growers of a smaller nature. We have only a few and they have larger acreage on the average than Oregon. They have gone out of business because production costs continue to rise and yet we are closed at the sales end because Mexican strawberries are coming into the country and are selling at 7 or 8 cents less a pound than what we can produce them for.

So we are getting caught in the middle on this thing. We are being deprived of the people to harvest the crops. We do not have the people to come in and there is not mechanical ability to come in and take over for them such as there is in raspberries. We are squeezed on the other end in the fact that we can't market our product, and we go to the Cost of Living Council and they say, "We cannot put a ban on imports from Mexico because that is inflationary."

Where do we go from here? We do not feel there is a problem up there. We feel an injustice was made and it is not your problem this law was passed, it is our problem we didn't get to you and say, "Hey, wait a minute, this doesn't exist up here." So we accept some of the responsibility.

Anyway, in summary, I feel that there are no statistics that can prove that the children are being abused in the Northwest and we certainly should take every step to amend this law.

Thank you.

[The prepared statement of Mr. Garberg follows:]

STATEMENT OF RANDALL P. GARBERG

Presented to U.S. Senate Labor Subcommittee
at its Public Hearing on Child Labor Provisions
of the Fair Labor Standards Act.

Portland, Oregon
December 6, 1974

Mr. Chairman and members of the Committee, my name is Randall P. Garberg. I am a partner and general manager of Shuksan Frozen Foods, a strawberry, raspberry and blueberry processing plant in Lynden, Washington.

The bulk of the harvesting season in our area begins about June 15 and ends about the 15th of August, except certain berries which run into the first part of September. The greatest concern with this law is in the strawberry harvest, however, it also has impact on raspberries and blueberries.

Up to 40 percent of the strawberry pickers in our area, are under 12 years of age and they pick 25 percent or more of the crop. The loss of this much fruit would severely hurt the growers, processors and local economy. Because of the dwindling crops, migrant labor does not come into our area as in the past, therefore we would have no way to recover that portion of our crop as mechanical harvesting is not possible for strawberries. In addition to picking a quarter of the strawberry crop, these children are learning an important fact of life - that of work responsibility while also earning and having money of their own. I wish each of you could talk to these children and hear of all the ways their money is used, literally everything from necessities to record players, ten-speed bikes, boy or girl scout camp, clothes and, in the words of one young boy, a birthday present for his dad.

The economic impact of this law starts with the children and continues through the entire economy catching almost everyone.

During its summer run our plant employs approximately 123 people for an average payroll of $56,700. About 75 percent of our plant employees are high school and

college students. This law would make it necessary to either cut down the number of employees or to reduce their hours, which would put another block in front of them in earning for their higher education.

This law becomes one more stumbling block for the berry industry in our area, which, if any more are experienced, will cause us to lose the industry. The Mexican imports, for example, are a constant battle because they sell in our market at 7 to 8 cents less than we can. Because of this, most of the small growers are gone as it is impossible to keep paying higher production costs while being limited on the sales end.

Inflation is everyone's business and government must realize that restrictions, such as this law imposes, can do nothing but hurt the overall effort of free enterprise and a sensible economy.

To those who would say that safety is a factor, I would answer that I have lived in this area all of my life and have yet to hear of a serious accident among the thousands of pickers each year. The paper boy riding our dark, wet, snowy and what-have-you streets, has a job that is much more hazardous than berry picking, but I'm told that newspaper delivery is exempt under this new law.

Perhaps we have a unique situation in the Northwest. I would call upon everyone to pitch in and help amend this law so that a valuable industry is not lost otherwise, we will become dependent on a foreign country to supply the majority of our strawberry needs.

Senator HATHAWAY. Mr. Conroy.

STATEMENT OF ROBERT L. CONROY, STRAWBERRY PROCESSOR, WOODBURN, OREG.

Mr. CONROY. My name is Robert L. Conroy. I am the owner-manager of a plant in Woodburn, Oreg. It is similar to the plant discussed by the previous witness.

We are somewhat concerned as to the situation for the employment of the older students if the fruit does not come in from the field. In our area we estimate about 20 percent of the fruit is harvested by those between the ages of 10 and 12. We hire 60 persons in our processing plant and 40 to 42 are young people in the ages of 16 to 22. They are high school and college students. As far as I can determine, nearly every single one of those students who works in the plant now had been picking strawberries and blackberries and other crops at the lower ages. In other words, in this area around Woodburn, the youngsters start out by picking in the field at the age of 9 or 10 and up to 13 or 14. At the age of 16 they like to come into the processing plant and work.

If the fruit doesn't come in, if we lose 20 percent of it, then we will lose jobs in the processing plant for these students, these older students.

I would also like to verify the statement that the previous witness made about the competition that the grower has here in Oregon. The usage of strawberries in the United States is about 280 million pounds per year. The amount coming in from Mexico is about 112 million or about 40 percent. Today the market price for the Mexican fruit at Laredo is exactly 8 cents below Oregon strawberries f.o.b. Portland.

Another thing, too, is that the acreage of strawberries in Oregon about 6 or 7 years ago was about 13,000 acres. Today the acreage is in the neighborhood of 6,600. I think a witness earlier this morning mentioned 6,100, but that doesn't quite figure with our strawberry commission figures.

I was appointed to the Oregon Strawberry Commission by Governor McCall 2 years ago, so I worked with strawberries, the economics and marketing and the well-being of the growers in the State. It appears to me that the grower is in a bind. He is in trouble in the marketplace because he can't get a higher price for his product because of the competition from Mexico. So anything that will help him in getting his crop harvested here, in my case I feel that the youngsters that are going from their own home into the fields to work and back—I don't think it is necessarily good for any people who are coming from other States to be working in adverse circumstances under the age of 12—the youngsters who are picking in a field adjacent to their homes or within a 20-minute bus ride and that sort of thing, I can see nothing wrong with it.

In the 20 years I have been working in strawberries, I have never seen anything harmful in the harvest.

Senator HATHAWAY. Is Mexican competition increasing?

Mr. CONROY. It is increasing. It appears this year it will run somewhere in the neighborhood of 120 million pounds.

There was another fact that came up just recently and that is that the Mexican Government controls sugar production in Mexico. In other words, the factories are run by the Government. They have been leaving the sugar price at 10 cents a pound. Those of you who have been buying sugar know it has been running in the neighborhood of 60 cents a pound in the United States. This gave the Mexican processor down there a tremendous advantage in the sugar he was using in strawberries. If they continue to do that into another season, we will have more serious economic problems.

One thing I should point out here to the audience is that it is clearly understood that the strawberries here in the Northwest, in the States of Oregon and Washington, are some of the best flavored berries anyplace in the Northern Hemisphere. We feel, and a lot of our customers agree with us, that they are much better flavored than the States south of us and in the country of Mexico.

The only strawberries that are similar to that are a few that come in from Poland. There are about 5 million pounds that come into the eastern part of the United States from Poland. They are grown at about the same latitude as our berries and their flavor is similar to ours.

If the Oregon grower gradually loses his position on strawberries, the United States will then lose this supply of good-quality fruit.

I would be glad to answer any questions.

[The prepared statement of Mr. Conroy follows:]

STATEMENT OF ROBERT L. CONROY, Conroy Packing Co.,
960 Young Street, Woodburn, Oregon 97071

Presented to the U. S. Senate Subcommittee on Labor
at its public hearing on the Child Labor Provisions
of the Fair Labor Standards Act

Portland, Oregon
December 6, 1974

Mr. Chairman and members of the committee, my name is Robert L. Conroy. I am the owner-manager of a strawberry processing plant at Woodburn, Oregon.

Harvesting of strawberries in Oregon is seasonal. The period of harvest is June 10th to July 15th. This date occurs about one week after grade schools and high schools go on vacation for the summer. There are 6,800 acres which require about 34,000 persons to harvest the crop.

There are approximately 4,000 persons employed in the processing of strawberries during the month of June and half of July. Over half of these employees are college students, high school students over 16 and teachers from various schools.

The flavor and quality of Oregon and Washington strawberries is well known in the food industry as the best grown in North America. But yields per acre here are low compared to other growing acres.

The competition for Oregon strawberries is Mexico which exports to the United States 112 million pounds. This compares to U.S. consumption of 280 million. Thus Mexico supplies 40% of all strawberries used in the U.S. at prices about 8¢ per lb. below Oregon prices. This severe competition from Mexico has stopped all normal growth of the industry in Oregon. And now for the last five years acreage has declined. The present 6,800 acres is about half that of six years ago.

This information points out the economic circumstances of the Oregon grower in the national market. He is generally unable to pay more than the present pay scale.

Any further decline in Oregon acreage will cause a decline in employees in Food Processing plants, cold storage operations and the transportation industry which moves the crop to markets.

Anything that can be done to help harvest crops by voluntary labor will also help provide employment for many high school and college students in the processing plants.

Senator HATHAWAY. Mr. Schlegel.

STATEMENT OF ROBERT SCHLEGEL, FIELD REPRESENTATIVE, FLAVORLAND FOODS, INC., STATE OF OREGON

Mr. SCHLEGEL. I am Bob Schlegel. I have the unique position of being the last speaker before lunch. I will make it brief, Mr. Chairman, so I will not have to out-shout the groans of our hungry stomachs.

I have a prepared statement which I will turn in to you.

I am a field representative for Flavorland Foods, which is a major food-processor in the State of Oregon. I have been involved in strawberries all my life. I am 53 years old and I have spent 40 years of these seeing the strawberry season come and go in one form or another. At the present time I work with the grower, with the picker, in order to get the production from the beginning of the growing stage into the plant.

I have worked on many day-care center boards, community action boards, so I have seen both sides of the coin. I think there is merit in what has been said this morning. I think everyone has been sincere in their statements. Everybody has their own thing to bring out to the surface.

If there were one thing I would like to bring out, it is the fact that you really don't understand the situation until you have gone through a strawberry season in Oregon. The statistics will show one thing. Picking strawberries and the harvest approaching us is something like death; you know it is coming, but you are never quite ready for it. I have never seen a season in Oregon where all of the fruit has been picked. There has been fruit gone to waste. In only 2 or 3 weeks in order to crank up 40,000 pickers at any wage is very difficult. I think we need the migrants and I think we need the children and I think they need us.

I have one note that just looking through our statistics from my own company, 25 percent of the fruit we packed this year was grown by one-time migrant fruitpickers who came to this country that I have known for years. They have fallen out of the stream, they have purchased their own farms, and they have become an asset to our economy, 25 percent, 2 million pounds of fruit was produced through this type of person.

It takes time, it takes patience, and it takes a generation to overcome a language and cultural barrier, but it is being overcome and I believe this.

Maybe this will help you in weighing your primary concern, and this was one of the primary concerns expressed by Congressmen Price, Daniels, and Badillo: Are we depriving an adult of an opportunity to make a living? I say that these adults are not available during this short period in which we have to put this whole program together.

Thank you.

[The prepared statement of Mr. Schlegel follows:]

STATEMENT OF ROBERT SCHLEGEL, Field Representative
Flavorland Foods, Inc.

Presented to U.S. Senate Labor Subcommittee
at its Public Hearing on Child Labor Provisions
of the Fair Labor Standards Act.

Portland, Oregon
December 6, 1974

I am a field representative for Flavorland Foods, Inc., a major strawberry processor in Oregon, with operations located at Forest Grove.

Strawberries have been my life. I grew up on a farm twenty miles west of Portland in Washington County, which for many years was the largest strawberry producing area in the United States. My first introduction to strawberries was in 1932 when my father planted our first field. We constructed six cabins that we referred to for the next twenty years as the "berry cabins". Since then the connection of "labor camps" has become a familiar by-word. During this Depression period, families from within the state came to spend their summers and pick the fruit. Later the migrant families from Arkansas, Oklahoma and Texas (all white Americans) became the main supply of pickers. Except for a few years in college and the service, I have never been away from this atmosphere.

During the last fifteen or twenty years the migrant harvestor has consisted primarily of Mexican or Mex-American people. It initiated with the Bracero program and when this program was withdrawn the family units became predominant. I have worked directly with these people in my normal job situation as well as serving on the Community Action Board and currently on the West Tuality Day Care Board. I have also had the opportunity to visit the Rio Grande Valley and other areas of Texas to observe these people in their normal surroundings.

The effect of the employment of children under twelve on the work opportunities and wages of older workers and their families is the main concern of Congress. I agree that in some cases the migrant is exploited. This is less frequent now, however,

because of our present State laws and better social understanding.

My observation is that the development of herbicides has eliminated pre-harvest work in the fields for the migrants. They no longer come to our area in April and May. They arrive about the 1st of June which permits the children to finish the school year in their own state, very much the same as our local kids.

The general feeling of the Chicanos that I have visited is that if we break up the family unit by eliminating the under twelve picker, they will not make the trip north. They depend on this summer employment to help their living standards - not unlike our local families.

Each year a certain number of these families become permanent residents of our community and become self-supporting. There are presently 300 Chicano children in our local school systems. The adults have found year-round employment.

In 1974 over 2,000,000 pounds of strawberries, or about 25% of our total strawberry pack were delivered by nine growers who migrated here originally to harvest fruit, and now own their own farms. I have known most of them for years. The second generation migrant is becoming a stable factor in our economy.

It takes time, it takes patience, it takes a generation to overcome a language and cultural barrier, but it is being overcome. Maybe this will be helpful to you in weighing the primary concern as expressed by Congressmen Payser, Danielp and Badillo in the hearing held here last month. We really need these migrant harvestors and I think they need us to help them become self-supporting.

Senator HATHAWAY. How do you answer on this particular point the argument made by Mr. Fox that the wage rate is depressed because of the young people working and that is why you don't have adults available?

Mr. SCHLEGEL. I would answer in this way. Our processing plant hires people, and it is seasonal type work. We pay the labor wage established by the union. Because it is seasonal, when the college kids go back to school, we still have about 3 weeks of processing to complete our season. We try to run about three shifts a day, 24 hours, this is in processing form. We advertise, we beg, we just can't get the seasonal help. The people, as you indicated before, I believe, are adapted to doing other types of things and they will not come to work in the processor plant under the same caliber of wages he referred to. It is the same thing in the strawberry season. If they are there, they won't come forward. The growers would be very happy to hire them.

Senator HATHAWAY. I suppose there is some wage rate for which they would come forward.

Mr. SCHLEGEL. We get back to the economic situation there that Bob Conroy indicates is a competitive feature with the Spanish people or the Spanish Mexican strawberries. We are caught in a trap in that respect. A lot of growers right now are waiting to see whether this is going to prevail this coming year to tell me whether they want strawberry plants to plant in 1975 to carry on with their production.

Senator HATHAWAY. Do you know of places that will cut their growth of strawberries?

Mr. SCHLEGEL. They feel they cannot get the fruit harvested at any reasonable wage unless they are permitted to use the kids.

Senator HATHAWAY. I have a list of questions here I would like to submit to you, Mr. Pahl, in writing, and you may get the others to participate with you in answering. I don't think you can answer them now because it will require you to furnish some statistics which you do not have available off the top of your head.

I would appreciate it if you could answer these as soon as you can so that we can make them a part of the record. The record will be open until at least the first of the year, I understand. The sooner you can get them in, the better it will be.

Mr. PAHL. Thank you.

We understand another hearing may be scheduled on the subject in Washington, D.C.

Senator HATHAWAY. I understand Congressman Meeds will hold a hearing. Did you say in Washington, D.C.?

Mr. PAHL. Yes; a Senate hearing, another Senate hearing may be scheduled later?

Senator HATHAWAY. There may be. We haven't scheduled one yet. The only one scheduled by the Senate is in the State of Maine the 18th of this month.

As I say, Congressman Meeds may hold a hearing for this in the State of Washington after the first of the year.

Mr. PAHL. There was one statement made this morning, I think by Senator Packwood, about the importance of getting action by the month of May in order to know where we will stand with respect to the harvest. What Bob Schlegel just referred to is probably a more critical date because, in order to plant berries for future production,

growers will want to know by March of 1975. If they don't plant berries by that time or soon after, then future production years will show the effect. So we have a little earlier date from the standpoint of cultural practices in farming. This is very, very important at this time.

Senator HATHAWAY. Thank you very much, gentlemen.

The subcommittee will recess for lunch until 2 o'clock.

[Whereupon, the Subcommittee recessed to reconvene at 2 o'clock p.m.]

AFTERNOON SESSION

Senator HATHWAY. The subcommittee will come to order.

Our first witness this afternoon is Dr. C. Russell Beaton, professor of economics, Willamette University.

STATEMENT OF DR. C. RUSSELL BEATON, PROFESSOR OF ECONOMICS, WILLIAMETTE UNIVERSITY

Dr. BEATON. I have worked up some economic data and I have submitted a statement for the record. I will try to summarize it.

Senator HATHAWAY. We will make your entire statement part of the record and you may summarize any way you want.

Dr. BEATON. Several main points may be summarized at the outset which I believe are important as far as economic assumptions. I view my role as simply analyzing the economic impact in as objective a form as I can and I am not here to take a position either for or against this issue.

These main points as I am going to summarize them:

No. 1, the harvest period is over a period of no more than 6 weeks, with the bulk lasting no more than 2 or 3 weeks;

Two, the strawberry harvest dominates the harvest at its peak. For instance, the figures I have in my statement, 88.3 percent of the some 43,500 workers that are employed at the particular date of June 15, which is in the center of the harvest;

Three, the total number of seasonal agricultural workers in any semimonthly survey—and the Labor Department does these surveys throughout the harvest season every 2 weeks—in any semimonthly survey is never more than 41.1 percent of its level at the peak of the harvest on June 15. In other words, the employment levels are far higher during this period than they are at any other period for any other crop throughout the season.

The strawberry harvest is not merely one crop in an agricultural industry which could provide continuous employment for seasonal agricultural workers over the summer in the valley; rather it swamps the market for a brief period of time. Secondary workers, and there are few groups more secondary than the very young, provide the ideal work force for this extremely seasonal demand. In addition, they appear willing to do the somewhat difficult, although we heard testimony this morning which would lead me to comment that somewhat difficult is apparently according to someone's perception. It is somewhat difficult work for the low pay.

Other secondary workers such as elderly or married women may not be as willing or able. In fact, it may be somewhat surprising that the under 12 group represents only 10 to 15 percent of the strawberry harvest work force. The majority are between 12 and 15, and the figures are quite stable throughout the 4 years of data at which I looked carefully, the 12- to 15-year-olds comprise in the neighborhood of 60 to 65 percent of the work force. The 16 and over group tends to have alternative employment sources and consistently over the same period averaged only 22 to 23 percent.

Senator HATHAWAY. In computing those percentages are you computing the number of hours that they work also or are you just taking the absolute broad numbers?

Dr. BEATON. Those are the work days.

Senator HATHAWAY. If a child works for 1 hour, that counts for the equivalent of an adult working an entire day, is that right?

Dr. BEATON. That's right. You would have to say the hours would be skewed more upward because the older you are, presumably, the more you would work per day.

Senator HATHAWAY. You don't have any figures on their actual productivity?

Dr. BEATON. This is my next point here.

Senator HATHAWAY. Oh, I see.

Dr. BEATON. Wage levels and productivity. No hard and fast data exists that would allow an exact estimate of effective hourly wage rates. Work is on a piecemeal basis at an average price of 90 cents per crate, approximately, in 1974. This amounts to approximately 9 cents per pound, which is perhaps the highest picking cost per gross selling price ratio of any crop common in the valley.

Estimates indicate a good 10- to 12-year-old can average 15 crates a day, but the average is more like 10 crates. Considering that all under 12 will include some younger than 10, the overall average may be about 8 crates per day. Rarely is the work day longer than 6 to 7 hours, so that the effective wage rate probably averages in the $1 to $1.30 per hour range. That is optimistic, if anything, for the younger-than-12 group.

For young people between 12 and 16, the average is probably between 15 and 18 crates, with 20 crates an exceptionally good day. The average crate weight on an hourly basis almost certainly does not exceed $2 per hour and is probably closer to $1.50 per hour.

Despite the lower productivity, there is some evidence of willingness or even preference to depend on the younger children on the part of growers, if enough can be obtained due to increased reliability, fewer alternative possibilities, and activities which might distract, et cetera. Migrants tend to earn a much higher return, but this is an entirely different question.

Now I might make the point that some growers prefer to rely on these age groups; many growers like to go for a homogeneous work force of one kind or another. They will tend to exclude all the migrants they can. There is some evidence that problems occasionally occur in fields when you have a broad mix of young children, drive-outs, migrants, et cetera.

The evidence that I uncovered indicates there is probably much stronger tendency to rely on children only to the extent that you are

a fairly small grower, although some of the very big ones in the Portland area rely more on children, so it would probably be a humped curve with the medium size, 20- to 30-acre farms, using the highest percentage of migrants.

Availability of persons over age 11. The 1974 experience provides some distinct information pertinent to the question. The June 15 estimates of over age 11 strawberry harvesting employment in 1971, 1972, and 1973 range between 25,000 to 33,000 approximately. On June 15, 1974, only 11,525 workers over age 11 were harvesting. That is during the ban. Rather than filling the void, the overage pickers tended to stay at home as well. The babysitting with either all the children in the family, some over and some under 11, will pick on a given day or none will pick is an often-cited phenomenon that definitely appeared to exist. You hear the argument that if the young ones can't pick the older ones aren't going to come either.

There is some tendency for that, especially if the children are from middle- to lower-type income families where there may be only one parent in the family who is off working somewhere. The child is, in effect, babysitting his or her little brother or sister by taking them picking.

Unemployment rates of teenagers and adults is not available broken down by the counties involved. It is doubtful the substitution possibilities are very large. Nonmigrant families would probably also be adversely affected by inability to employ younger children. The highly seasonal nature and the brevity of the season, along with the low effective wage rates possible, does not appear to auger well for use of otherwise unemployed as an alternative labor source.

We have to temper that comment by the fact that older people would earn a higher effective wage rate, and that is the problem with interpreting hourly conclusions when you are paying piecemeal.

Comparable crops and acreage trends. There are virtually no comparable crops for children under 12 being similarly employed. The pole bean harvest is the closest, but acreage has been declining dramatically in recent years.

I have included some figures in my testimony. The average decline in pole beans has been 38 percent per year since 1971, which doesn't take it long to fairly well disappear from the scene at that rate. There is little evidence that this is due to specific labor force problems, however, as much as it is due to the desire to mechanize, and the inability of pole beans, a premium product, to command enough of a price differential as compared to the mechanically harvested bush beans.

Other crops either cannot employ children, for example, cherries, due to the inability of children to handle large ladders, or are already largely mechanized, mostly row crops.

Average acreage per grower is not large. Fourteen and a half acres in the Willamette Valley seems to be the average grower size. The minimum efficient sized unit, and these are just background facts that we may wish to put into the whole mosaic here, the efficient size unit in strawberries may be no more than 5 to 7 acres. I say minimum unit here and I am talking about the ability to get the average cost down to the lowest level, not ability to earn an income on it. They would have a tough time earning an income on 5 acres.

Acreage trends in strawberries have shown a similar declining trend in recent years, though not as dramatic as pole beans. Again I have inserted some figures. The overall decline averages 14 percent per year over the last 3 years, although the pattern is mixed. There was a very large decline in 1971 to 1972, 29 percent. That primarily is due to the very low prices during that time period, 14 to 17 cents per pound then compared to 25 cents this past year. The decline in the last 2 years has been more in the nature of 4 to 7 percent.

Cannery field representatives' estimates that I obtained indicate probable rates of acreage decline in the 10 to 15 percent range. This would be primarily in the Salem area. That has to be taken as a sample of the whole valley.

The reasons center largely on low prices caused by foreign competition and increased processing and energy costs. Very little impact is due to mechanization pressure directly, but considerable desire exists to get into something more mechanized.

General labor force problems, increasing Federal and State regulations and surveillance, and unionization trends are also factors. Although many other factors exist, inability to employ those under 12 would definitely accelerate crop substitution trends.

I have one final section on crop substitution possibilities and their economic impact.

I assume in this brief statement 4-tons-per-acre average, which was pretty close to what I got in my sampling around the middle valley area. I think the yields are a little higher than average. I have looked at the statewide data since and it is more like 3 tons per acre, but I am trying to call an audible here as I read through it.

Virtually the only crops that can approach strawberries are the other berry crops, blueberries, raspberries, boysenberries, et cetera, other caneberries. These have at least three problems that severely limit their acceptability as a substitute crop. One is the waiting time, for example, before production. Blueberries can be significant. Two, they all require irrigation; strawberries do not. Three, the supportable acreage is, in most cases, a fraction of that for strawberries. With blueberries, for instance, there are about 200 acres in the middle valley area, and that is a very small fraction, of course, of strawberries.

Occasionally row crops such as corn or beans may be possible substitutes. These also require irrigation, some specialized equipment, and still generate gross incomes which are considerably lower. A good yield in bush beans or corn, for instance, has an upper limit of perhaps $1,000 per acre, and that is this year's prices. This amount involves a much higher than normal price caused primarily by energy and fertilizer shortages.

Strawberries, however, may create a gross income—and these are my figures as they are in my statement, the assumptions are all there, any active figures can be plugged in—I assumed 4 tons per acre and I am going to adjust that to 3 as I stated here. Strawberries may create a gross income of $1,500 per acre, with 3 tons per acre at 25 cents per pound; picking costs of 9 cents per crate or about 8 cents per pound, the picking cost can amount to $480 per acre.

I asked the growers that I interviewed specifically what is your typical alternative crop? What would you go to if you took it out

of strawberries? As one might guess, wheat is the league leader at this time.

The most commonly mentioned alternative crop is wheat. It is easy to plant, care for, and sell. The price is currently strong with no change in sight immediately. Assuming an average yield of 2½ tons, or 82 bushels per acre, or a price of $165 per ton or $5 a bushel, the gross income generated is approximately $410 per acre. This represents a net direct loss, assuming wheat to be the alternative crop, of approximately $1,100 per acre converted from strawberries. That is the direct loss.

If the total 1974 Willamette Valley strawberry acreage is 6,184 acres—we heard that figure referred to earlier today—were converted, the gross income loss is estimated at $6,802,400. This, I must emphasize, is a marginal difference. It is not just saying here is what the strawberry harvest is worth, it is saying here is what the alternative that appears to be the likely one generates. Obviously wheat is more of a necessity, especially in light of current world food shortages, than strawberries, and that probably should not be overlooked, but I will leave it to someone else to examine that more fully.

This estimate is a direct spending loss and a multiplier must be applied to estimate total direct plus secondary spending impact. Here I am speaking to the gross income to the farmer and where that goes. We have heard testimony this morning about the secondary processing value added, et cetera. This is the multiplier working back in the other direction.

Multipliers for small towns in the Willamette Valley have been estimated at 1.6 to 1.8, with the larger cities in the realm of 2 to 2.5. These multipliers are for purposes of estimating local economic impact with the leakages customarily flowing from the smaller to the larger towns.

Since our concern with this issue is at least regional and perhaps for the overall economic impact totally in the United States, the multiplier figure of 2.5 is probably conservative. This places the aggregate economic loss as a result of converting 1 acre from strawberries to wheat at an estimated $2,750. Again my testimony says $4,000, and that is the yield differential.

Even this ignores the value added in moving from the wholesale to the retail stage. I think you are going to hear in the testimony that follows me from people from Oregon State that the data show the value added is about 163 percent of the figures of the gross farm income which I just cited. I didn't calculate those in.

Additionally, for one final bid here on the secondary labor force impact, additionally the processing and handling of strawberries creates considerably more employment per acre in canneries and distribution than does crops such as wheat. No estimate of numbers of jobs are attempted since this is really captured in the value-added figure and reliable figures depend on something such as cannery worker per acre of strawberries, which I didn't bother to delve into.

The jobs provided in canneries are considered valuable employment opportunities for secondary labor force participants, such as second wage earners and young people. As such this increases and stabilizes family incomes in times of decreasing employment opportunities in lower-income categories. The seasonality of the jobs is not considered

a serious problem since many of the workers are out of the labor force while not employed.

That is the end of my prepared statement.

I have one point in light of that I would like to add. Some of the things that were mentioned this morning led me to comment on this. In short, the picture shows a very high peak demand for labor in those few weeks of the crop. There is no other crop that sustains that peak demand through the season. So one way or another it has to be met, either by unemployed, by something such as the children, as done now, or by a migrant work force moving through the area.

If this strawberry crop declines, for instance, there will be alternative jobs created in canneries later, if they were to go to corn or something like this. You are not just using the job in the cannery, you are moving it to a later time in the season which, since strawberries are virtually the only crop that occur at that period of time, might be shifting your peak employment problems from the harvesting time to the processing industries.

There are all kinds of places I could elaborate on on those figures.

Senator HATHAWAY. Can you indicate how sensitive the labor supply is to an increase in wage rates. If it jumps 20 percent, would the supply change very much?

Dr. BEATON. My best guess, I have no direct numbers, I think it would take about a 25-percent increase to attract, let's say, older adult workers perhaps or unemployed workers.

Senator HATHAWAY. With the market the way it is, can the growers afford a 25 percent increase?

Dr. BEATON. That would really accelerate substitution into other crops with the Mexican competition. We have heard testimony on that this morning.

Senator HATHAWAY. The decline in acreage you mentioned is not due to the lack of labor?

Dr. BEATON. Definitely not. The decline in acreage, as I said, is a desire to move into something more mechanized, to avoid the hassles of any kind of a labor force like that.

I talked to one very large grower who used to have 140 acres in production. He said, "I can't afford the uncertainty." I think you would not be able to afford the uncertainty of not knowing whether you can get a labor force or not. Even though, when you look at it, it is a 3-week crop, his contention was—and I will put my name on the list of those who picked strawberries when they were kids, too— I made $1.08 one day and thought it was pretty good, but that was a much lower wage period. His contention was if you lose your labor force in only a 2- or 3-day period, your profit is absolutely gone. He said he couldn't afford this. He had a strike threaten his field one year and that settled it.

He is now growing Christmas trees.

Senator HATHAWAY. If a lot of farms converted to wheat, the demand for labor would drop off considerably, too.

Dr. BEATON. Surely. In that category, yes, there is no doubt about that.

Senator HATHAWAY. Does your statement have what the average return is to the growers?

Dr. BEATON. Profit?

Senator HATHAWAY. Yes.

Dr. BEATON. We are looking at gross of about $1,500. There is no way to put an average land price really on it, but I don't have the figures in here. Picking costs $700; perhaps another $50 to $100, no more than that, in terms of other labor, related labor, checkers truck drivers, et cetera; fertilizers and sprays, $100 to $150 an acre.

I want to figure in interest and rent and taxes and all of that in terms of the land. The grower can earn in a reasonably good year about $600 an acre. The top he would be able to go would be maybe $800 in a very good year. Everything goes by if the price is good.

Senator HATHAWAY. You don't know what that represents as a percentage of his investment?

Dr. BEATON. A lot of that is return on his labor, which is quite a bit. Farmers often don't separate those kinds of things out. As a return on investment, it is very common to hire out the spraying and the fertilizing because people will get a spray-rig type of thing and you have someone come in and do this. It is very popular because the acreage is so low. A grower with 100 acres or more will obviously own his own equipment and have a very different set of numbers as far as his rate of return is concerned.

Senator HATHAWAY. Could you furnish those for the record? We would be interested to know how it compares with other agricultural endeavors.

Dr. BEATON. I will do that. It is a very volatile crop. You can make $600 per acre one year and nothing the next, as we can in most crops.

Senator HATHAWAY. I understand it would have to be averaged for a number of years.

Dr. BEATON. That is the point I made, the sensitivity to the picking costs is a very high percentage of the selling price.

Senator HATHAWAY. Thank you very much, Dr. Beaton.

The next witness is Hon. Edith Green.

It is nice to see you, Edith.

Mrs. Green and I were members of the House Education and Labor Committee for 6 years and enjoyed a good relationship then and continue to do so.

It is nice to see you.

STATEMENT OF HON. EDITH GREEN, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mrs. GREEN. Thank you very much, Senator Hathaway. It is nice to see you in Portland. I have been trying for 7 years to get you out here.

Our general theme, as you know, is "Just come and visit," but we wouldn't mind having you as a permanent resident.

Senator HATHAWAY. I might consider it.

Mrs. GREEN. If I may, Senator Hathaway, ask unanimous consent that the statement of Bill Kosesan from the Oregon Department of Agriculture be made a part of the record.

I think he is recognized as an expert on pesticides and he states in this prepared statement that it has no harmful effect on the strawberry pickers.

Senator HATHAWAY. Without objection it will be made a part of the record.

[The prepared statement of Mr. Kosesan follows:]

STATEMENT OF BILL KOSESAN, Oregon Department of Agriculture

Presented to U. S. Senate Labor Subcommittee
at its public hearing on the Child Labor Provisions
of the Fair Labor Standards Act.

Portland, Oregon
December 6, 1974

My name is Bill Kosesan, Program Director with the Oregon Department of Agriculture, Plant Services Division, Salem, Oregon. In my section of the Department, we have responsibilities for registration of all pesticides sold, offered for sale, or used within Oregon, licensing of all commercial applicators in the state, and enforcement of Oregon's Pesticide Law.

With respect to the question of pesticides used in strawberry fields in Oregon and their possible effect on strawberry pickers, I wish to report that a number of pesticides, including weed control chemicals, insecticides, and fungicides, are used. Included in this herbicide group are chemicals used for control of weeds in new plantings and established plantings, as well as chemicals used during both the summer and winter (dormant) seasons. Those herbicides recommended by Oregon State University and used in this state are all considered to be in the category having a low range of toxicity to humans. In addition, the timing of applications and manner of use precludes the possibility of harmful residues remaining at picking time.

The same applies to fungicides recommended and used in Oregon strawberry fields. All such chemicals also fall in the group having a low level of toxicity and are used in a manner whereby no harmful residues would remain at picking time. Some fungicides used in Oregon are of such low toxicity they may be applied as late as the day of harvest with no possibility of causing injury to pickers.

Insecticides recommended and used in Oregon strawberry fields also generally fall into the same low toxicity range as the pesticides mentioned above except for several such as Guthion, Parathion, and Phosdrin. These insecticides, although high in toxicity, are permitted to be used only for certain insects and with the observance of required preharvest intervals. The chemicals are rapidly biodegraded following application with the result that no harmful residues remain at picking time.

It is our judgement pesticides are used properly within Oregon by commercial applicators and growers. We have received no reports or complaints of applications to strawberries made in a manner inconsistent with the label or of applications which resulted in injury to strawberry pickers. We believe that young pickers would not be exposed to any harm in Oregon strawberry fields from residues of pesticides.

Mrs. GREEN. I have some copies of my statement, Mr. Chairman, if you want them.

Senator HATHAWAY. It would be helpful.

Mrs. GREEN. I really do appreciate your coming here and taking a first hand look at the situation because it is very important to the State. I must say I rearranged my schedule and got in on a plane about an hour ago.

Senator HATHAWAY. We appreciate your coming here.

Mrs. GREEN. As you know, the entire Oregon delegation has sponsored legislation to amend that section of the Fair Labor Standards Amendments of 1974 which prohibits, with minor exceptions, the employment of children under 12 in agriculture. Under the terms of the bill I and others have sponsored, the Secretary of Labor would be permitted to waive this prohibition upon a finding that it has a disruptive effect upon traditional patterns of employment in a particular section of the country.

If I may digress from the statement here, I think in the wording of any bill which comes out of the House or the Senate, we have to be very mindful of the fact that some of the districts in Oregon now are going to year-round schools, so it would have to be so worded that those students who were not in school at that particular time would be free to pick the strawberries, and not have it worded when school is not in session, because it is in session the whole year.

To say, Senator Hathaway, that this prohibition, which became effective May 1 of this year, had a "disruptive" effect in Oregon is to describe it in the mildest possible terms. The sense of outrage, when the law became known, was almost universal among Oregon citizens. Except for the Watergate, I believe I have seldom received such a quantity of mail so critical of congressional action. Those who wrote, and they were legion, were absolutely united in their denunciation of this prohibition.

As you know, it was put in the conference report and it was not a House bill.

My correspondents ranged from the Governor of the State to many grade school children. The ire is unmistakable and I think it was justified. It was seldom expressed in very elegant terms, but the message was there.

From a farmer:

> Just because the 11-year-old isn't old enough to vote doesn't mean he should be stripped of his rights. Everybody is up in arms about this stupid law.

A parent writes:

> I have tried to raise my children and give them the knowledge that they must work to earn money to receive the things in life that they want. Believe me, this is not easy; most children today just figure life should be given to them on a silver platter. Now this stupid, outrageous law tells them to go ahead and believe this way.

An understandably frustrated mother wrote:

> Please know that I think the passage of the bill preventing children under 12 from picking strawberries in particular is completely without merit. We have three children staying home this year because of it, and it is just maddening.

Many children wrote. One:

Everyone is getting mad because they can't pick berries. You do not have to be 12 to pick a berry.

From a very indignant young lady:

I speak for lots of people when I say that the new "1974 Wage Hour Amendment law" is stupid. * * * You complain about lazy kids—

And this was directed to me, not to you, Senator—

Well, what do you think makes them lazy? You the people. I'm 13 but I have 2 sisters and I am speaking for them, too. They enjoy working. It gives the person a good feeling to know you can make some money. * * * How are parents supposed to teach us kids if we can't work?

Or another youngster:

The law that has just been made is the most ridiculous law there is. * * * If you don't change the law, then my younger brother and sisters will not be able to go any place or buy anything this summer. All they can do is just sit around and do nothing.

And a 10-year-old spoke her mind very clearly:

I wrote to you because I don't like the law that nobody under 12 can pick strawberries. I'm sure no other kids do either. When I heard about it, I thought it was the stupidest law I ever heard of. I'd like to know why that law was made. Please write back and tell me.

In mid-September, as you may have heard previously today, a three-judge panel of the U.S. district court upheld the constitutionality of the prohibition, but I think it is significant that even in that court decision the following language can be found:

The 1974 Amendments may be unnecessarily broad. Perhaps Congress can write more flexibility into the Act to exempt forms of agriculture in which oppressive child labor conditions do not exist.

May I repeat that:

In which oppressive child labor conditions do not exist.

I think it also is significant that earlier in the summer, in late June, the same three judges had granted a preliminary injunction against enforcement of the ban on employment of children under 12. This had the meritorious effect of allowing Oregon's strawberries to be harvested this summer, but unless the law is permanently changed to provide sensible flexibility in its application, then there are many growers who will curtail, or eliminate altogether, the planting of those crops which depend on hand harvesting.

Because the preliminary injunction granted by the U.S. district court in Oregon so concisely states the problem, I would like to quote from it. The plaintiffs were a grower and five minors. Portions of the court order granting the temporary injunction read as follows:

The plaintiff, Larry William Kelly, is a farmer. He has approximately 85 acres planted in strawberries. The strawberries are picked by hand—no farm machinery is involved.

For many years plaintiff has been dependent upon school children to pick and harvest his crop. During the peak of the harvest season, he has engaged 500 to 600 children, 25 to 33⅓ percent being under 12 years of age.

The plaintiffs (and here the minor children are named) appear through Larry William Kelly, their guardian *ad litem*. They are under 12 years of age and have

been seasonally employed picking strawberries with parental permission and desire such employment in 1974.

The court order continues:

Estimates of surveys made in the States of Oregon and Washington indicate that the challenged legislation will reduce this season's harvest by 9,000 tons, 21,000 pickers would not work and would lose $1,386,000 income. 18,000 fewer production workers would be employed and would lose $1,500,000, and the two States would lose $113,000 in taxes.

If I may digress there, it seems to me this is particularly relevant when, as you know, we are now considering in the Congress the public service employment legislation because of the very high unemployment rate. To think we would also enact a law that would throw that many people out of work seems very strange to me.

The court order continues:

Because of the legislation the plaintiff Kelly anticipates losing one third of his expected crop, at a loss of $66,000. He would be deprived of many workers. The children affected would lose personal income. The plaintiffs and those similarly situated would suffer immediate, substantial and irreparable injury. On the other hand, restraining of the defendant, i.e., Secretary of Labor Brennan, will cause no substantial harm to the defendant or other interested parties.

There, then, in that language from the preliminary injunction is a summary of the problem, and a summary, too, of why the problem—this ban on employing children under 12—need not and should not exist. May I quote one phrase again from the court order: "No farm machinery is involved."

Again if I may digress, when you and I served on that committee together, when we were talking about the minimum wage and other labor legislation, we were particularly concerned about hazardous farm machinery where children were employed, and in picking strawberries there is none.

Mr. Chairman, my best information is that the Oregon Workmen's Compensation Board reports that injuries to children under 12 while employed in agriculture during 1973 were eight altogether, four to 11-year-olds, four to 10-year-olds, including one fatality, none to 9-year-olds and younger. The fatal injury was suffered by a 10-year-old child who was hit by a car while riding a Honda on the family farm. Had the 1974 amendments been in effect last year, this fatality would not have been avoided for, as you are aware, the ban does not extend to children working on family acreage. Of the remaining seven injuries, all were minor; three occurred in the strawberry fields. They consisted of a cut wrist and cut hand, both from falling on berry crates, and a rash from contact with spray. Only minor medical attention was required.

You may also be interested to know, Mr. Chairman, that all pickers, including those under the age of 12, and all employers are covered by the Workmen's Compensation Act. So I believe the evidence is indisputable that the work involved is simply not hazardous. There were seven minor injuries among a work force of several thousand children age 11 and under.

In order to save time, I am going to skip some of this, Mr. Chairman, but I would ask that all of it be placed in the record.

Senator HATHAWAY. Yes, without objection, the entire statement will be placed in the record at the conclusion of your testimony.

Mrs. GREEN. And what will be the economic effects of this prohibition if not amended? To some I have already referred. There were estimates made of the losses that would have been incurred this summer just from the strawberry harvest had the injunction not been granted. The $1,386,000 lost to the individuals who would not have picked; the $1,500,000 lost to cannery workers, for 9,000 tons of strawberries would have rotted on the vines and, in addition, there would have been an estimated $4 million loss to the growers in Washington and Oregon.

In this day and age when everyone, I understand even stockbrokers, are having a difficult time making ends meet, this is a very severe penalty, indeed. I must say I felt a lot of sympathy for all of those who wrote, growers, parents, and children. In sharing some of their thoughts with you, I hope that you may also realize the impact of this on children who want to work, on families, and on the economy in the Northwest.

I will skip to save time, Mr. Chairman, some of the letters that came in, but let me quote from a few of them, because I thought they were very much to the point.

One child wrote, "Dear Edith Green: I am 10 years old and I got to pick some strawberries this year. Will you please help change the law so I can pick next year? I need the money for camp. My friends would appreciate it, too. I am counting on you." This letter was far more generous than most. She signed it "Love."

Another:

I really don't see the reason why kids under 12 can't pick berries. We have to earn our money in some way. You know my mom and dad are not the richest people in the country. They can't afford to give me an allowance every week. Please think about it.

One of my favorite letters that came in:

Hi, how are you? I am fine. Why was the law changed about berry picking? I am under 12 and need money, money, money.

And, admittedly, I feel very kindly—and we have had many discussions on this, Mr. Chairman, so I am sure you will know my bias—but I feel very kindly toward the following letter which shows a nice bias toward the female of the species:

I am writing to you for my sister in the matter concerning the berry age law. My sister is 11 years old. I'm 12 years old. I'm lucky, but what about my sister who is 11? Last year my sister and I bought a television with the money. I wrote to you because you are a woman and being a woman you are more understanding.

I wish I could say the signature was Dennis, but it was Denise.

It is also evident from the letters that there is far more at stake than just economic gain. Repeatedly the message is stated that this opportunity for the children to work also represents an opportunity to instill both values and pride of accomplishment.

Mr. Chairman, when we were working on the juvenile delinquency bill in the committee on which you and I served, I said many times that it made no sense to me for the Federal Government to spend millions and millions of dollars to try to prevent juvenile delinquency, to try to bring it under control or to reduce the amount of it, and then at the same time to pass laws which takes the kids so they can't work and they simply wander the streets. It seems to me that old thing about idle hands is very relevant here.

Moreover, it provides an opportunity to instill both values and pride

of accomplishment. It provides a means for active young bodies to direct their energies in a constructive manner. The work is not difficult, certainly no more so than delivering a paper at 5 a.m. every morning, rain or shine, or mowing lawns, and probably less so than handling bags of groceries for blocks, which we can view youngsters doing at virtually every store in the District of Columbia. I am not suggesting that we should prohibit the District youngsters from using this means to earn some spending money; I admire their pluck and their industry. But I would suggest that the strawberry fields of Oregon, where each works at his own pace, and where his companions in work are family, friends, neighbors, and teachers, where the atmosphere is clean and fresh, might be a far healthier evironment than a crowded city street.

Mr. Chairman, summer crop picking by youngsters is a time-honored tradition in the Northwest. There are probably few adults in the State who, growing up in Oregon or Washington, do not remember his or her own experience in the field. I must say that I picked strawberries when I was young. I have two sons and both of my sons picked strawberries.

It is traditional, too, for mothers to take their entire brood with them. It is nonsense for some, as I understand they do, to try to compare this wholesome scene of a family working together, the children under the watchful eye of a person who cares deeply about them, comparing that to the horrors of child labor in the notorious city sweatshops that existed early in this century and in decades past.

Far from being in any way detrimental, berrypicking is a positive gain to the entire community, to farmers, to parents, to children. At a time when we worry about ways to keep our young people off the streets in the summer, it seems rather ridiculous to me that we should deny a traditional and constructive summer outlet like this.

One of the first communications of protest that I received on this matter was from Governor Tom McCall who has justly received much national attention in recent months for his progressive leadership in what I think is a progressive State.

May I read from his telegram:

> We urgently request all possible immediate action through legislative and administrative channels to allow children under 12 to assist in the berry and bean harvest in Oregon. These young people working with their parents or brothers or sisters are not exploited child labor. They are local residents who are earning spending money and learning the value of working while helping to harvest an important food resource.
>
> An estimated 40 million pounds of strawberries grown on 8,000 acres could go unharvested in the next 3 weeks if families are forbidden to bring their children to the fields where they work. 54 percent of past crops have been picked by young people under 14 years of age and 16 percent by those under 12. The impact on the availability of adult workers will be severe if prohibited from bringing their children to the fields. An economic loss of $10 million is a real possibility. This loss of food is indefensible. Please exert every effort to obtain an immediate exemption.

This was signed by the Governor.

So may I suggest, Senator Hathaway, that it is unthinkable that the Governor of the State of Oregon, the entire Oregon congressional delegation, educators, health officials, labor leaders, and the parents of the children themselves would all be opposed to this prohibition on excluding from the fields children under 12 if, in fact, the work were detrimental or dangerous. It is not. It is just the opposite, safe, healthy,

wholesome, and constructive, and a means, in this too often isolated modern world, for adults and children alike to work together in an activity of benefit to all.

Thank you.

Senator HATHAWAY. Thank you very much. That was an excellent statement. As usual, you covered it so well there are few questions to ask, especialy when I am on your side.

But let me say, do you think it is possible for us—I mean Congress—to draft an amendment that will allow those children who aren't being exploited to go ahead and work and, at the same time, not create a loophole that will allow exploitation and, further, we can reasonably except good enforcement?

It has been testified to here by other witnesses that such an exemption would be very difficult to enforce. We are not getting the enforcement we should get in this area anyway.

Mrs. GREEN. Could I ask, what do you mean by those who are exploited?

Senator HATHAWAY. Well, there are in some areas of the country unscrupulous growers who force children to work by saying to the father and mother of the child, you can have a job working for us provided you bring your children in, regardless of what age they are, and they work 8 hours a day and under very adverse conditions. This is true particularly with respect to migrant families.

We certainly don't want to create a loophole here where we can allow unscrupulous employers to carry on this type of activity.

Mrs. GREEN. I am in complete agreement on that. I do not think that situation exists in the Northwest. As you know, the legislation that the entire Oregon delegation introduced simply said that the Secretary of Labor would be permitted to waive the prohibition upon a finding that it has a disruptive effect upon traditional patterns of employment in a particular section of the country.

It seems to me that that would take care of it. In the migrant labor stream in those areas where there is exploitation he would not grant that waiver. So I think there is no danger of that here.

Also, Senator, when you talk about the migrant families, and we do have them in Oregon, most of the strawberry pickers, as you probably have heard earlier today, go out in groups. Sometimes the teacher is the platoon leader and they go out with the mother or someone else.

If you do have a migrant family picking you have a problem. Take a hypothetical case. If you have a migrant family and they have children 14 and 13 and then two children who are 11 and 10, what does the migrant family do? Do they take the 13- and 14-year-old children out and let the 10- and 11-year-olds wander out by themselves? It seems to me the 10- and 11-year-olds would be much better with the family than they would without any supervision or care, wandering around and perhaps getting hurt or in trouble.

Senator HATHAWAY. Would you extend this to migrant children as well as residents?

Mrs. GREEN. I think it has to be worded—let me back up if I may. I think no one recommends that this waiver be granted when the youngsters are enrolled in school. Youngsters do not miss school in order to pick the berries or the beans, so you do not have that problem at all.

It would seem to me that any youngsters, if they want to pick strawberries or beans, when they are not enrolled in school, then they should be allowed to. I think it would be discriminatory to say we would allow the youngster who lives close by to pick the strawberries, but an 11-year-old child of a migrant family who is in the area—we are not trying to attract the migrant families for this and someone else can give you the statistics on the percentage of the migrant families engaged in this, I think it is relatively small—it would seem it would be discriminatory to say we won't let you do that.

Senator HATHAWAY. Would that be a problem in Oregon? Are there many migrant families?

Mrs. GREEN. Let me furnish that for the record if I may because I really don't know the percentage in this particular area. We have the migrant stream in the orchards, cherry and pear and apple orchards. We have them in the beet fields in eastern Oregon and we have them in the potato harvesting in southern Oregon, in the Klamath Falls area, but I honestly do not know the percentage in the berry fields. I will get that and supply it.

Senator HATHAWAY. This tentative amendment we were considering would exclude the migrants, but we thought that there was not a sufficient number of migrant families employed in the particular harvest. For example, in Maine there are no migrants at all. We would like to get some, but we can't get them to go that far north or get the Canadians to come over. It is strictly a local problem.

Mrs. GREEN. I think it depends on the location and the percentage and we could take a look at that before drafting the legislation.

Senator HATHAWAY. Some people said that there were remedial reading programs and so forth that go on in the summertime and even though the school year is over that these children are going to miss that extra educational opportunity afforded to them. What do you think of that?

Mrs. GREEN. The strawberry season, as I understand it, lasts 4 or 5 weeks. It seems to me that any children who are going to have remedial work are not going to take it all summer anyhow, or during that particular period, so that they would have the chance to take any remedial courses they would need to have.

I suspect that the number of youngsters who are taking remedial courses in the summertime is pretty small.

Senator HATHAWAY. Edith, thank you very much for your testimony and your answers. You are welcome to sit here and question the remaining witnesses. In fact, we would like to have you.

Mrs. GREEN. Thank you, Senator. I will do that.

[The prepared statement of Mrs. Green follows:]

PREPARED STATEMENT OF HON. EDITH GREEN, A U.S. REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

May I first express my thanks, Mr. Chairman, for your invitation to these hearings. As you know, the entire Oregon delegation has sponsored legislation to amend that section of the Fair Labor Standards Amendments of 1974 which prohibits, with minor exceptions, the employment of children under 12 in agriculture. Under the terms of the bill I and others have sponsored, the Secretary of Labor would be permitted to waive this prohibition upon a finding that it has a disruptive effect upon traditional patterns of employment in a particular section of the country.

Mr. Chairman, to say that this prohibition, which became effective May 1 of this year, had a "disruptive" effect in Oregon is to describe it in the mildest possible terms. The sense of outrage, when the law became known, was almost universal among Oregon citizens. Except for the Watergate affair, I believe I have seldom received such a quantity of mail so critical of congressional action. Those who did—and they were legion—were absolutely united in their denunciation of this prohibition. My correspondents ranged from the Governor of the State to grade school children.

The ire is unmistakable and—I think—justified. It was seldom expressed in elegant terms, but the message was there.

From a farmer:

"Just because the 11-year-old isn't old enough to vote doesn't mean he should be stripped of rights. Everybody is up in arms about this stupid law."

A parent speaks:

"I have tried to raise my children and give them the knowledge they must work to earn money to receive the things in life that they want. Believe me this is not easy; most children today just figure life should be given to them on a silver platter. Now this stupid, outrageous law tells them to go ahead and believe this way."

An understandably frustrated mother:

"Please know that I think the passage of the bill preventing children under 12 from picking strawberries in particular is completely without merit. We have three children staying home this year because of it and it's just maddening."

The children also:

"Everyone is getting mad because they can't pick berries. You do not have to be 12 to pick a berry."

And from an indignant young lady:

"I speak for lots of people when I say that the new '1974 Wage Hour Amendment law' is stupid * * * You (or the people) complain about lazy kids. Well what do you think makes them lazy? You (the people) * * * I'm 13 but I have 2 sisters and I'm speaking for them too. They enjoy working! It gives the person a good feeling to know you can make some money * * * How are parents supposed to teach us kids if we can't work?"

Or:

"The law that has just been made is the most ridicuous law there is . . . If you don't change the law then my younger brother and sisters will not be able to go any place or buy anything this summer. All they can do is just sit around and do nothing."

A 10-year-old speaks her mind:

"I wrote to you because I don't like the law that nobody under 12 can pick strawberries. I'm sure no other kids do either. When I heard about it I thought it was the stupidest law I ever heard of. I'd like to know why that law was made. (Please write back and tell me)."

In mid-September a three-judge panel of the U.S. District Court upheld the constitutionality of the prohibition but I think it significant that even in that court decision the following language is found: "The 1974 Amendments may be unnecessarily broad. Perhaps Congress can write more flexibility into the act to exempt forms of agriculture in which oppressive child labor conditions do not exist." [Emphasis added.] I think it also significant that earlier in the summer—in late June—the same three judges had granted a preliminary injunction against enforcement of the ban on employment of children under 12. This had the meritorious effect of allowing Oregon's strawberries to be harvested this summer, but unless the law is permanently changed to provide sensible flexibility in its application, then there are many growers who will curtail—or eliminate altogether—the planting of those crops which depend on hand harvesting.

Because the preliminary injunction granted by the U.S. District Court in Oregon so concisely states the problem, I would like to quote from it. The plaintiffs were a grower and 5 minors. Portions of the court order granting the temporary injunction reads as follows:

"The plaintiff Larry William Kelly is a farmer. He has approximately 85 acres planted in strawberries. The strawberries are picked by hand—*no farm machinery is involved.* [Emphasis added.]

"For many years plaintiff has been dependent upon school children to pick and harvest his crop. During the peak of the harvest season, he has engaged 500 to 600 children, 25% to 33⅓% being under 12 years age.

"The plaintiffs (and here the minor children are named) appear through Larry William Kelly, their guardian *ad litem*. They are under 12 years of age and have been seasonally employed picking strawberries with parental permission and desired such employment in 1974 * * *.

"Estimates of surveys made in the states of Oregon and Washington indicate that the challenged legislation will reduce this season's harvest by 9,000 tons. 21,000 pickers would not work and would lose $1,386,000 income. 18,000 fewer production workers would be employed and would lose $1,500,000, and the two states would lose $113,000 in taxes.

"Because of the legislation the plaintiff Kelly anticipates losing one third of his expected crop, at a loss of $66,000. He would be deprived of many workers. The children affected would lose personal income. The plaintiffs and those similarly situated would suffer immediate, substantial and irreparable injury. On the other hand, restraint of the defendant (i.e. Secretary of Labor Brennan) will cause no substantial harm to the defendant or other interested parties."

There, then, in that language from the preliminary injunction, is a summary of the problem—and a summary, too, of why the problem—this ban on employing children under 12—need not and should not exist. May I quote one phrase again from the court order: "* * * no farm machinery is involved."

Mr. Chairman, my best information is that the Oregon Workmen's Compensation Board reports that injuries to children under 12 while employed in agriculture during 1973 were eight altogether: four to 11-year-olds, four to 10-year-olds, including one fatality, none to 9-year-olds and younger. The fatal injury was suffered by a 10-year-old child who was hit by a car while riding a Honda on the family farm. Had the 1974 amendments been in effect last year, this fatality would not have been avoided for, as you are aware, the ban does not extend to children working on family acreage. Of the remaining 7 injuries all were minor. Three occurred in the strawberry fields. They consisted of a cut wrist and cut hand, both from falling on berry crates and a rash from contact with spray. Only minor medical attention was required. You may also be interested to know, Mr. Chairman, that all pickers, including children under the age of 12, and all employers are covered by the Workmen's Compensation Act.

So I believe the evidence is indisputable that the work involved is simply not hazardous. There were 7 minor injuries among a work force of several thousand children age 11 and under.

As one of my correspondents stated:

"What is wrong with a child of 10 or 11 picking berries? They are certainly safer in a supervised berry field than they are riding bikes on streets, roaming the streets getting into trouble or even playing football on a football field * * * the competitive spirit among the youngsters to try to work faster and earn more than their neighbor is every bit as healthy in the berry fields as on the track field. There is a feeling of accomplishment in taking the money they have personally earned and choosing that bike that will be more precious because of the effort expended earning it."

And what will be the economic effects of this prohibition if not amended? To some I have already referred. There were estimates made of the losses that would have been incurred this summer just from the strawberry harvest had the injunction not been granted: the $1,386,000 lost to the individuals who would not have picked; the $1,500,000 lost to cannery workers, for 9,000 tons of strawberries would have rotted on the vines, and in addition, there would have been an estimated $5 million loss to the growers in Washington and Oregon.

In this day and age when everyone—I understand even stockbrokers—are having a difficult time making ends meet this is a very severe penalty, indeed. I must say I felt a lot of sympathy for all of those who wrote: growers, parents and children and, in sharing some of their thoughts with you, I hope that you may also realize the impact of this on children who want to work, on families, and on the economy of the Northwest.

For example, the exasperation of a mother of eight who wrote that while she works fulltime in the winter months, she takes the summer off to spend with her children—

"* * * helping them to earn their school clothes by picking the local crops. This new amendment will deprive my children of earning their spending money and school clothes * * *. They keep their own money and only work approximately 5 hours per day. I also accompany them to the fields and work right along side of them. I am wondering if you will forward my letter along to the person or persons

who helped put this new bill through Congress so that they could help to provide school clothes and spending money for my 4 children that are under the age of 12 since passing of the new amendment deprives them of this. My husband and I certainly cannot afford to provide spending money and extras for 8 children. It is all we can do to provide groceries for a family of 10. Please send the contributions to the children."

She includes their names and address.

Or from another:

"Please, please do something so our kids can continue to pick berries. It's not that hard of work and keeps the kids out of mischief and teaches them responsibility. We can't afford to buy all the little things our kids would like to have."

Or: "Just spent a depressing morning with my son who will be 11 this summer sitting on the daveno crying. He just heard on the news that he will not be allowed to work in the berry field this summer * * *. With current inflation, my husband and I find it necessary to both hold down outside jobs. Unless we want to leave our 11-year-old at home alone all summer, it will be necessary for his older sister to stay home from the fields also which eliminates her main source of spending money, too."

Some farmers wrote:

"As a grower, you cannot realize the undue hardship this new law will place on us. We employ Moms and Dads with children of all ages in their families who all work towards school clothes needs or "extras" that the present economy doesn't allow."

Another:

"In regards to this law pertaining to children under 12 years of age not being able to pick strawberries. This is one more of the many stupid laws we have that we don't even get to vote on. This law deprives us of our needed help to make our living, and it deprives the kids a chance to make their money too * * *. Between predator control, weather, double fertilizer and gas prices, triple price on baler twine, higher Workmen's Compensation, and taxes and all other restrictions and high prices pertaining to farming it all has a good start to force me to quit."

Or: "This new law seems almost to be the straw that broke the camel's back! We have farmed for 30 years and finally found one crop (strawberries) that would pay the taxes and insurance and made us feel that we were helping the families in the areas as well. We have never solicited children ages 10 and 11 to pick, but they do have to learn sometime and if the mothers come, or older brothers or sisters, we can't refuse them. At the same time the economy of the area prospers (the butcher, the baker, the clothier, hardware man, etc.) and the law enforcement officers have fewer problems. This new law means that our picking crew will be one-third less and therefore our berry acreage which costs $1,000 per acre to get ready for production will be lost."

And from the kids:

"This is a petition to change the new law about only 12 and over can pick! It's not fair. I think anybody can pick. Because parents can't buy everything! Prices are high * * *. I am 10½. My first time in the berry patch last year, I made 35 dollars! That's good; for a second time I would try for $50.00. I am trying for a ten speed; everybody in the family has a ten speed but me."

"Dear Edith Green. I am ten years old and I got to pick some strawberries this year. Will you please help change the law so I can pick next year. I need the money for camp. My friends would appreciate it too. I am counting on you. Love."

Another:

"I really don't see the reason why kids under 12 can't pick berries. We have to earn our money in some way. You know my mom and dad are not the richest people in the country. They can't afford to give me an allowance every week. Please think about it!"

My favorite: "Hi how are you? I am fine. Why was the law changed about berry picking? I am under 12 and need money, money, money."

And, admittedly, I feel kindly toward the following writer who shows a nice bias toward the female sex: "I am writing to you for my sister in the matter concerning the berry age law. My sister is 11 years old, I'm 12 years old. I'm lucky, but what about my sister who is 11. Last year my sister and I bought a television with the money. I wrote to you because you are a woman and being a woman you are more understanding." I wish I could say the signature was "Dennis" but it's "Denise."

It is also evident from the letters that there is far more at stake than just economic gain. Repeatedly the message is stated that this opportunity for the

children to work also represents an opportunity to instill both values and pride of accomplishment. Moreover, it provides a means for active young bodies to direct their energies in a constructive manner. The work is not difficult—certainly no more so than delivering a paper at 5 a.m. every morning—rain or shine—or mowing a lawn—and probably less so than hauling bags of groceries for blocks, a sight which we can view youngsters doing at virtually every grocery store in the District of Columbia. Please do not interpret this as a suggestion to prohibit District youngsters from using this means to earn some spending money; I admire their pluck and industry. But I would suggest that the strawberry fields of Oregon, where each works at his own pace, where his companions in work are family, friends, and neighbors, where the atmosphere is clean and fresh might be a far healthier environment than a crowded city street.

Mr. Chairman, summer crop picking by youngsters is a time-honored tradition in the Northwest. There are probably few adults in the State who, growing up in Oregon, do not remember his/her own experience in the fields. I did so when I was young; my two sons did so. It is traditional, too, for mothers to take their entire brood with them. It is simply nonsense to compare this wholesome scene of a family working together—the children under the watchful eye of a person who cares deeply about them—to the horrors of child labor in the notorious city of sweat shops that existed earlier in this century and in the last. Far from being in any way detrimental, berrypicking is a positive gain to the entire community—to farmers, to parents, to children. At a time when we worry about ways to keep our young people 'off the streets' in the summer it seems rather ridiculous to me that we should deny a traditional and constructive summer outlet like this.

One of the first communications of protest I received on this matter was from Governor Tom McCall who has justly received much national attention in recent months for his progressive leadership in what I am proud to say is a progressive State. May I read from his telegram:

"We urgently request all possible immediate action through legislative and administrative channels to allow children under 12 to assist in the berry and bean harvest in Oregon. These young people working with their parents or brothers or sisters are not exploited child labor. They are local residents who are earning spending money and learning the value of working while helping to harvest an important food resource. An estimated 40 million pounds of strawberries grown on 8,000 acres could go unharvested in the next three weeks if families are forbidden to bring their children to the fields where they work. Fifty-four percent of past crops have been picked by young people under 14 years of age and 16 percent by those under 12. The impact on the availability of adult workers will be severe if prohibited from bringing their children to the fields. An economic loss of $10 million is a real possibility. This loss of food is indefensible. Please exert every effort to obtain an immediate exemption."

May I suggest, Mr. Chairman, that it is unthinkable that the Governor of the State of Oregon, the entire Oregon congressional delegation, educators, health officials, labor leaders, and the parents of the children themselves would all be opposed to this prohibition on excluding from the fields children under 12 if in fact the work was detrimental or dangerous. It is not. It is just the opposite—safe, healthy, wholesome, and constructive—and a means—in this too often isolated modern world—for adults and children alike to work together in an activity of benefit to all.

Thank you.

Senator HATHAWAY. Our next witness is Mr. Fujii of the Oregon Farm Bureau Federation, accompanied by Frank Setniker, Larry Kelly, and Claudio Bustamonte.

STATEMENT OF HOWARD FUJII, REPRESENTING THE OREGON FARM BUREAU FEDERATION, ACCOMPANIED BY FRANK SETNIKER, VICE PRESIDENT, OREGON FARM BUREAU FEDERATION, McMINNVILLE, OREG., CLAUDIO BUSTAMONTE, STRAWBERRY GROWER, ST. PAUL, OREG., AND LARRY KELLY, STRAWBERRY GROWER, SALEM, OREG.

Mr. FUJII. I am Howard Fujii, representing the Oregon Farm Bureau Federation. We appreciate your coming to Oregon to hear

our problem, and we appreciate having this opportunity to visit with you.

There are several facts we believe Congress should consider in reviewing the need for amendments to the law, and we will mention a few of these as briefly as possible.

Peak labor needs of crops involved are for short periods of time. Continuity of employment is quite difficult. This is quite graphically shown in exhibit A that I have attached to the statement. It shows the selected crop activity during the various months of the year taken on the 15th and 30th of each month. You can see the variety of activities that seasonal workers are involved in and the relatively short time period in which this happens.

Because of this, it just does not attract a large work force to the Willamette Valley because the continuity of employment is not possible. This also accounts for declining numbers and percentages of migratory workers for strawberries, which is shown on exhibit C, and for all agricultural workers on exhibit D.

I should also mention to you that these are based on survey dates and may not necessarily reflect the peak of the harvest season as it might affect any particular crop or enterprise. All of these exhibits have been reproduced from the 1973 annual Rural Manpower Report.

The prohibition of employment of children reduces the number of other workers available. This has been mentioned. The drive-outs have been an important source of seasonal agricultural labor and, as the reductions of acreages have come about in recent years, many growers have reduced their reliance on day haul and bused platoons and placed more reliance on the drive-out families and mothers who bring their children.

Our 1974 experience has demonstrated that, if children under 12 cannot be employed, many mothers will not bring any of their children to the field, and consequently we lose the work force involving children under 12, the mothers, as well as the children over 12.

Another factor that has come about in Oregon, which is not mentioned in my prepared statement, limits the continuity of employment or limits the availability of work force, the phasing out of the farm labor camps over the last 3 years. As a result, because the camps for migrant labor have been reduced in number, there is more reliance placed on the day haul or local people to do more of the work.

As far as the conditions of the number of people working, this applies to the migrant families, too, because many of them have told us that the reason they come to work in Oregon is so that all members of the family may work. So if the restriction continues, it may well reduce the migrant labor force that comes to the State.

The wage rate paid to workers for any specific harvest activity is the same. The piece rate for harvest is a historical thing in our State and earnings are based on production and will vary according to a portion of the individual's initiative and effort. The rates paid have a relationship to the price received for the product, and that cannot be arbitrarily reduced without having an effect on the crops that are produced for harvest.

It has been mentioned the price received by growers for strawberries has been related to the price for processed strawberries imported from Mexico. This is mentioned only to emphasize the previous

point that the amount paid for harvest wages must come from prices received. Other witnesses will present more details on this. The effect of the imports of strawberries is shown by the reduced acreage in exhibit C.

Work done by children under 12 is nonhazardous. Picking is performed on the ground. Machinery is not involved. Pesticide residues are not a problem, as growers must comply with Federal and State laws and regulations relating to applying pesticides. Processors may reject delivery of products if chemicals are not applied properly as their products are subject to Federal food and drug inspections.

State laws also regulate employment of children, require potable drinking water and minimum sanitary facilities. Transportation equipment, if furnished, is subject to State inspection. As other witnesses will cover these subjects, we will not go into detail, but will be willing to answer any related questions.

I would like to deviate slightly from my prepared statement to mention the letter that Senator Packwood mentioned this morning. This was written to him in 1971 on some amendments or proposals at that time. In it we quoted to him the policy of our national farm bureau organization, American Farm Bureau Federation, which had been developed during 1970 and stating that we wanted to maintain the employment of the right of the farmers to employ children outside of school hours at least over 12 years of age.

As I mentioned earlier, at that time the growers came forth with ideas. These were primarily those who were using organized platoons and transporting the workers and they said they could buy at that time a limitation to the 12-year-old worker. Many of these growers had raised a substantial acreage of strawberries in 1970. I called them last year and they are no longer growing strawberries. So the situation has changed, as Senator Groener mentioned this morning, with the phasing out of the camps and the phasing out of the transportation groups, and there is more and more reliance placed on the drive-outs, who are primarily the ones who bring the small children.

Now, I would like to refer again to my exhibit C, which is a chart that Representative Katz showed you this morning with regard to the strawberry acreage, the production, the number of workers, and so forth, through the past year. She failed to mention that this chart shows the situation for the June 15 survey date for each of these years. Now, this is only based on what they found that 1 day and doesn't represent what the situation might be. You will note the 2.9 workers per acre in 1971 and this was due to the fact that we had a late season that year and on June 15 the berry harvest had just about started. As a result, some growers were not even picking yet and as a result this shows that particular day in that particular year, rather than the situation for the entire year or whenever the peak might be.

The only thing that is consistent for the years is the acreage that is recorded.

I know it is difficult to say. People ask the question, how many workers does it take for a certain operation? This is much like trying to explain why the average 6-foot man drowns in a river that averages 6-feet deep. There are many variables, including the weather, management of an individual farm, the growing season, and other factors that enter into it on any particular day. You may have to have as high

as 10 people per acre; on other days 2 or 3 people per acre might be able to do the job that is there.

I would also like to call your attention to the fact that exhibit B is also based on a mid-month survey date and also the exhibit E which shows the declining acreage and workers needed is based on an August 15 date.

Possibly my written statement is misleading on exhibit A because I said this is reporting the month's activity. It is not; it is the mid-month survey date findings that are reflected in this particular chart. So there are some considerations you need to give to the attachments I have.

We certainly hope you folks in Congress will see justification for an amendment that would allow this industry in this State to continue. We again want to say thanks for your coming to Oregon to hear what we have to say about our problem.

Senator HATHAWAY. You are welcome.

[The prepared statement of Mr. Fujii and other material subsequently supplied for the record follows:]

STATEMENT TO THE SUBCOMMITTEE ON LABOR

OF UNITED STATES SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

On behalf of

OREGON FARM BUREAU FEDERATION

Portland, Oregon December 6, 1974

I am Howard Fujii, Director of Research and Legislation, Oregon Farm Bureau Federation. Our address is 1730 Commercial St., SE, P.O. Box 2209, Salem, Oregon 97308. We represent approximately 8,000 family members of 36 County Farm Bureaus in Oregon.

We appreciate the opportunity to appear before your subcommittee to present this statement on the need for an amendment to the Fair Labor Standards Act to allow children under 12 to work in the harvest of certain agricultural crops during the summer months when school is not in session. We wish to further thank your subcommittee for taking time to come to the Northwest to learn more about our problems.

There are several factors we believe Congress must seriously consider in reviewing the needs for this legislation. We will mention some of these as briefly as possible.

Peak labor needs of crops involved are for short periods of time. Continuity of employment for extended periods of time is not possible. This is graphically shown in an attachment marked Exhibit A. This graph also indicates monthly labor requirements for the season. Exhibit B shows the sources or persons in the work force.

The duration of employment is too short to attract a large work force to the Willamette Valley as continuous employment for the summer is not possible. This accounts for the declining numbers and percentage of migratory workers for strawberries (Exhibit C) and for all agricultural work activities (Exhibit D). The changeover from pole beans to bush beans further reduce the incentive for out-of-state or out-of-area workers to come to the Willamette Valley. The reduction of pole bean acreage and work force requirements are shown in Exhibit E. All Exhibits were reproduced from the 1973 annual Rural Manpower Report.

Prohibiting employment of children under 12 reduces the numbers of other available workers. "Drive outs" have always been an important source for the seasonal agricultural work force. As reductions in acreages of strawberries, pole beans and other hand harvested crops were made in recent years, some growers have reduced use of day haul and bussed platoons and placed more reliance on "drive outs". Our 1974 experience has demonstrated if children under 12 can not be employed, many mothers will not bring any of their children to the fields. Consequently, the work force lost children under 12, mothers and the children over 12 in their families.

The same condition applies to migrant families. The principal reason many migrant families came to Oregon in past years was that the entire family could work. This restriction, if continued, could result in further reduction of migrant workers in the Willamette Valley.

The wage rates paid all workers for a specific harvest activity is the same. Piece rates for harvest is a historical method for harvest wages. Earnings are based on production and will vary in proportion to individual initiative and effort. The rates paid have a relationship to the prices received for products and can not be increased arbitrarily without having an effect on the crops produced for harvest

The price received by growers for strawberries is related to the price for processed strawberries imported from Mexico. This is mentioned only to emphasize the previous point that the amount paid for harvest wages must come from prices received. Other witnesses will present more detailed information on the import problem. The effect of imports on declining strawberry acreage is shown in Exhibit C.

Work done by children under 12 is non-hazardous. Picking is performed on the ground. Machinery is not involved. Pesticide residues are not a problem as growers must comply with federal and state laws and regulations related to applying chemicals. Processors may reject deliveries if chemicals were not applied properly as their products are subject to federal food and drug inspections.

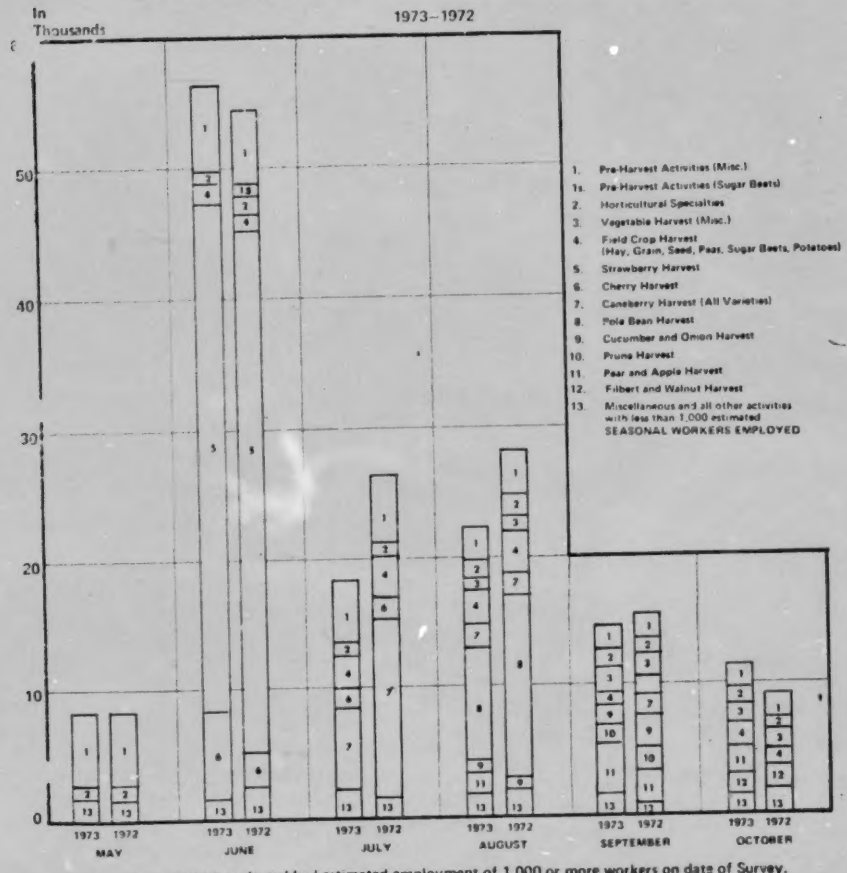
State laws also regulate employment of children, require potable drinking water and minimum sanitary facilities. Transportation equipment, if furnished, is subject to state inspection. As other witnesses will cover these subjects, we will not go into detail but will be willing to answer any related questions.

In consideration of these and other testimony that will be presented today, we urge approval by Congress of an amendment to the Fair Labor Standards Act to allow children under 12 years of age to be employed in non-hazardous agricultural hand harvest operations. Growers appearing with me will present testimony on their own farms and in their communities.

Again, we wish to express our appreciation for your willingness to take time from your many duties as members of the U.S. Senate to allow us to discuss our problems with you.

Exhibit A

ESTIMATED NUMBER OF HIRED SEASONAL AGRICULTURAL WORKERS
BY SELECTED* CROP ACTIVITY DURING MID-MONTH REPORTING PERIOD
1973–1972



*Agricultural activities selected had estimated employment of 1,000 or more workers on date of Survey.

Exhibit B

ESTIMATED NUMBER OF HIRED SEASONAL AGRICULTURAL WORKERS
BY SOURCE OF WORKER DURING MID-MONTH REPORT PERIOD
1973–1972

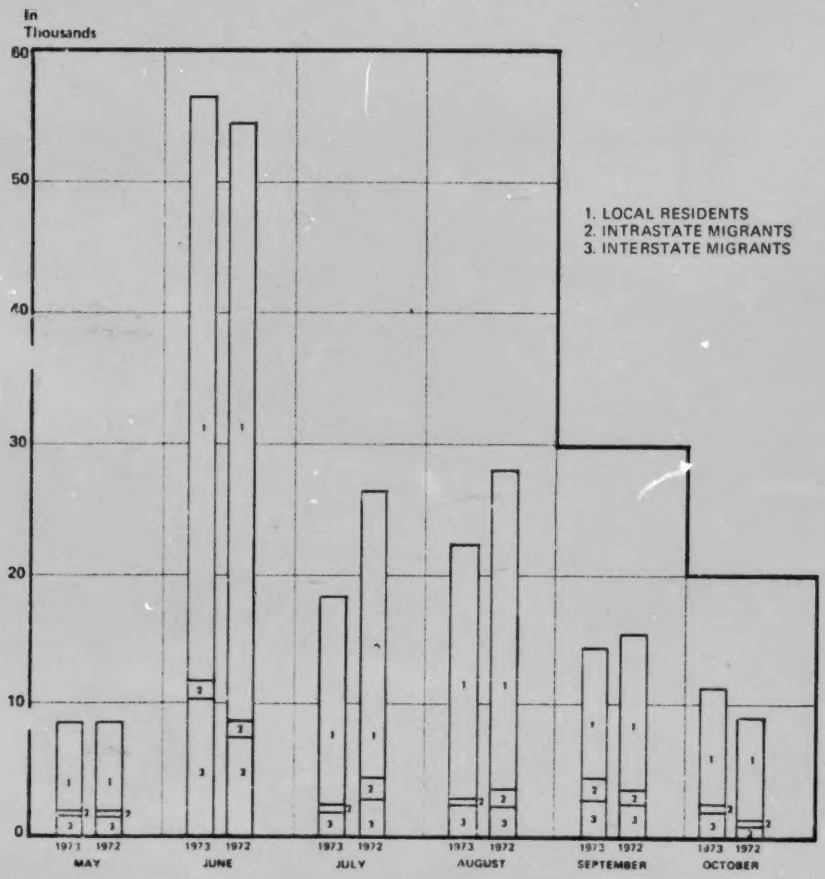


Exhibit C

WILLAMETTE VALLEY STRAWBERRY HARVEST
SEASONAL EMPLOYMENT AND ACRES REPORTED
JUNE 15, 1967–1973 SURVEY DATES

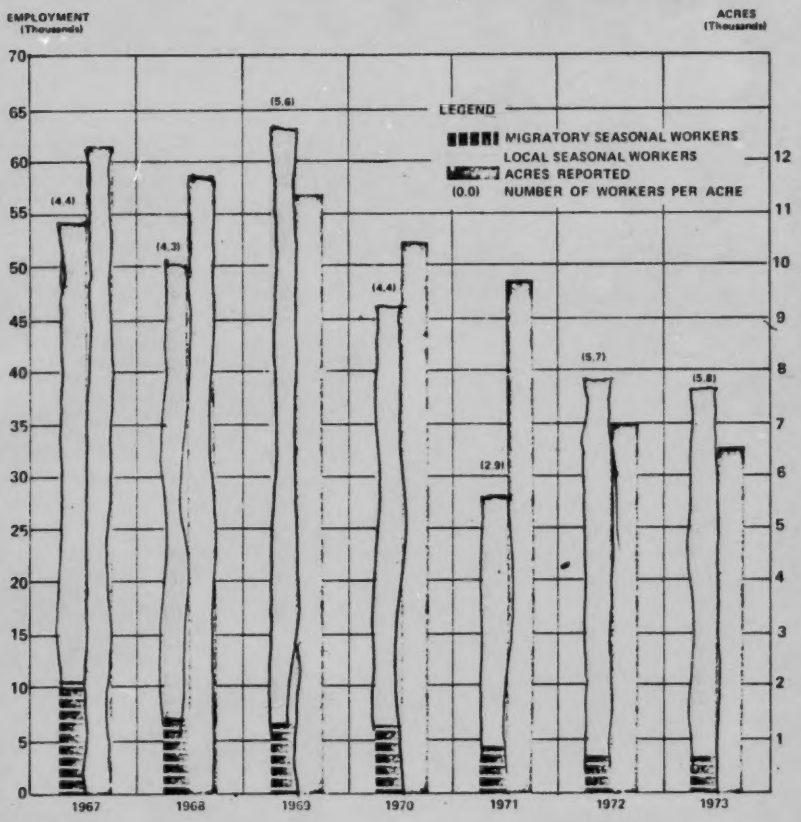


Exhibit D

SIX MONTH AVERAGE SEASONAL FARM EMPLOYMENT BY SOURCE OF WORKER
REPORTED DURING MID-MONTH SURVEY DATES MAY-OCTOBER

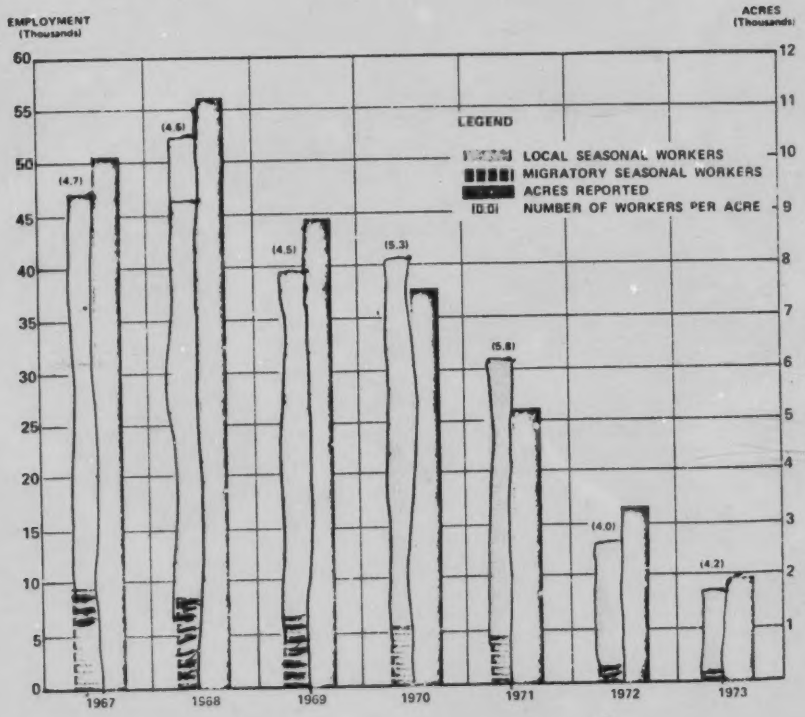
Year & Percent	Total	Local	Intrastate Migratory	Interstate Migratory
1973	21,813	17,490	897	3,426
Percent	100.0	80.2	4.1	15.7
1972	23,725	19,564	1,088	3,073
Percent	100.0	82.5	4.6	12.9
1971	26,934*	20,941	1,304	4,689
Percent	100.0	77.7	4.9	17.4
1970	32,179	25,544	1,097	5,538
Percent	100.0	79.4	3.4	17.2
1969	35,896	28,128	1,457	6,311
Percent	100.0	78.3	4.1	17.6
1968	33,203	25,425	1,399	6,379
Percent	100.0	76.6	4.2	19.2
1967	36,353	26,990	1,458	7,905
Percent	100.0	74.2	4.0	21.8
1966	37,820	27,549	1,546	8,725
Percent	100.0	72.8	4.1	23.1

* Wet spring weather, followed by subnormally cool days in July, retarded strawberry harvesting and caused a reduction in the number of workers required to keep up with this slower growing crop during 1971.

The continued drop of average seasonal farm employment has been primarily caused by reduced acreages of the major intensive-labor-using crops such as strawberries and pole beans throughout the Willamette Valley area.

Exhibit E

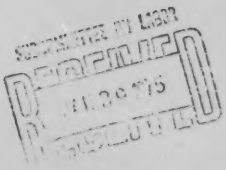
WILLAMETTE VALLEY POLE BEAN HARVEST
SEASONAL EMPLOYMENT AND ACRES REPORTED
AUGUST 15, 1967–1973 SURVEY DATES



Oregon Farm Bureau Federation

1730 Commercial Street S.E. Box 2209
SALEM, OREGON 97
(503) 581-1486

January 27, 1975



Mr. Donald Elisburg, Counsel
Committee on Labor and Public Welfare
United States Senate
Washington, D.C. 20510

Dear Mr. Elisburg:

Your letter of January 6, 1975, was received in our office after the Oregon legislature convened, so please excuse the delay in responding to the questions enclosed. I will try to respond to the questions in numerical sequence.

1. (a) The 15% in the question is too low. Some of the witnesses at Portland December 6, 1974, mentioned a figure as low as 10% (Vinton Erickson, Vancouver, Wash.) and as high as 34.8% (Harold Arneson, Lynden, Wn.) of workers were under 12 years of age. Larry Kelly, Banks, Ore., and Robert J. Hulbert, Mt. Vernon, Wn., reported 1/3 of their crews were under 12. Frank Setniker, McMinnville, Ore., stated about 25% of his crew was under 12. Mr. Hulbert estimated this age group harvested 25% of the crop.

Many growers I have contacted estimate that 30% of the strawberry work force prior to 1974 was under 12 years of age and they harvested about 20% of the crop. A major factor in the economic effect, as a number of witnesses stated, is that by prohibiting children under 12 from working also reduces the number of parents and those over 12 that must "baby sit" their younger brothers and sisters. Conservatively, this creates a reduction of 20 to 25% of the production. Based on the figures presented by Ralph Garren, Jr., Small Fruits Specialist, Oregon State University, this would be 6,978,056 lbs. (20%) to 8,722,570 lbs. of the estimated 34,890,281 lbs. produced in Oregon in 1974. The economic dollar loss on farm gate value at 25¢ per lb. would be from $1,744,514 to $2,180,642.

1. (b) As mentioned in the previous paragraph, the estimate of 20% of the tonnage picked by children under 12 seems to be, on the average, a number growers believe is fairly accurate. The "side effect" of losing parents and other pickers increases the tonnage reduction as the result of the under 12 prohibition.

2.(a) The strawberry acreage to meet the 500 man-day test is relatively small. Depending on weather and resulting time frame during which crop maturity "peaks" and the length of the harvest season, a grower with three or four acres may use 500 man-days.

2.(b) Assuming the word "growers" in this question means strawberry producers, the answer is--very few. There was a new grower in 1974 that did not employ many people in 1973 that had over 10 acres, but was exempt because he did not

use 500 man-days in any calendar quarter of the previous year. This situation is a rare exception among Oregon strawberry growers. Practically all of them consistently produce strawberries every year. Other considerations include other crops grown and workers necessary to care for and harvest these crops.

There are many farmers in Oregon that do not produce labor intensive crops that are exempt as they do not use 500 man-days in any calendar quarter. I mention in response to a question that many other Oregon farmers were exempt from the 500 man-day provisions.

2.(c) This would be difficult to estimate. In addition to strawberries, children under 12 work in a number of other crop harvests, pole beans, raspberries, blackberries, etc. Both numbers and percentage of crews would be lower than strawberries. Oregon regulations on employment of minors limits the type of work minors may perform.

3. (a) The majority of growers appearing to testify on SB 323 during the 1971 session of the Oregon legislature used bussed platoon crews and accepted the under 10 years of age provision. The growers using "drive-out" crews objected. I do not recall the other restrictions, but these were accepted generally by growers that operated with bussed crews.

3.(b) The situation at present has changed, so such amendments to the Fair Labor Standards Act could not be supported. Many of the bus crews have been phased out with the reduction in acreage, and most growers now depend on driveout pickers. This increases the number and percentage of under 12 children in the crews. Testimony presented by State Senator Dick Groener at the hearing reflected the changes in conditions that have taken place since 1971.

4.(a) This is a question that is almost impossible to answer as production depends on individual initiative and ability. Some 10 and 11 year olds will pick more than some adults. Generally, experienced under 12 pickers will average possibly 10-20% under other pickers as many of them get tired of working earlier in the day.

5. Most crews work six hours a day or less. Some crews may work seven or eight hours. Most farms work five days, some farmers with a short crew on Saturday. Crews rarely work on Sunday.

6. In most drive-out crews, children are supervised by a parent or adult bringing them to the fields. Many farmers use school teachers or adults who have acted as platoon leaders or supervisors for many years. Some use college or older high school students who have been "promoted" after several years of employment as pickers on the same farms.

7. Oregon has required adequate sanitary facilities since 1960. Legislation was first enacted in 1959. Facilities furnished have improved over the years under constant supervision of state and county health officers and inspectors. In addition, Oregon Bureau of Labor inspectors have been involved in field inspections. The Bureau of Labor is authorized by Oregon law to establish standards and enforce rules for facilities provided for women and minors.

8. Transportation equipment to haul workers is regulated by the Oregon Motor Vehicle Division. An annual safety inspection of vehicles is required. Busses and other equipment must meet standards before they may be used. Most growers that furnish transportation lease or own school busses. However, as previously mentioned, the number of growers furnishing transportation has dramatically reduced in recent years.

9. As children are employed only during summer months, inclement weather is not a problem. In case of rain, crews do not come to work, or go home when it starts to rain.

10. Pesticides are applied during the growing season prior to harvest. Some growers report using captan and some sulphur, both non-hazardous, during harvest. Please refer to the statement by William Koseson, Oregon Department of Agriculture.

11.(a) As stated at the hearing, imports from Mexico and the resulting depressed prices is the primary reason for reduction in acreage.

11.(b) Acres formerly producing strawberries are now used for vegetables that can be harvested mechanically and for wheat.

I hope this provides the information requested. If additional information is desired, please advise.

I hope the Committee will recognize the urgency for action on this matter. Increasing numbers of growers state they will not renew strawberry plantings this year unless Congress amends the Fair Labor Standards Act so under 12 children can be employed. Others indicate present strawberry fields will be plowed up if the law is not changed. Several growers have already resolved the problem last year. They plowed out their existing fields and planted wheat or a winter cover crop last fall.

Sincerely,

Howard Fujii

Howard Fujii, Director
Research and Legislation

HF:ah
Encl

QUESTIONS:

1. (a) Given the fact that children 11 years and under represent under 15% of the labor force, how great an effect can they actually be expected to have on the economic viability of the strawberry industry.

   (b) In your estimation, how much of the tonnage is harvested annually by these children?

2. (a) How many acres of strawberries must a grower plant in order to meet the 500 man-day test for coverage under the Fair Labor Standards Act as amended?

   (b) Approximately how many growers are covered and how many are exempt?

   (c) Do you have any figures as to how many of the children under the age of 12 are employed on covered farms and how many are employed on non-covered farms?

3. (a) Did you support Oregon Senate Bill 323 as amended and passed by the Oregon State Senate in 1971 which would have prohibited child labor in agriculture by children under the age of 10 and placed restrictions on such employment by children between ages 10 and 14?

(b) Would you support an amendment to the Fair Labor Standards Act which contained similar prohibitions and prohibitions and protections?

4. (a) On the average, how many flats per day would you estimate can be picked by a child under 12, a child over 12, an adult?

5. How many hours a day do your crews work? How many days a week?

6. What kind of supervision of child labor is provided by the growers?

Washington State

7. The 1967/survey of the strawberry Harvest indicated that children complained about inadequate water and, particularly, sanitary facilities and that infact many sanitary facilities were virtually unusuable. What evidence do you have that this health problem does not exist in Oregon?

8. What standards are used to insure safe transportation vehicles for workers to and from the fields?

9. Do growers provide any form of housing or other shelter for workers in the event of inclement weather?

10. What types of presticides are currently used to control insects or plant diseases in the strawberry fields?

11. (a) To what factors do you attribute the steady decline in strawberry acreage since 1970? Will it continue?

(b) To what use have the released acres been put?

Senator HATHAWAY. Mr. Bustamonte.

STATEMENT OF CLAUDIO BUSTAMONTE, STRAWBERRY GROWER, ST. PAUL, OREG.

Mr. BUSTAMONTE. My name is Claudio Bustamonte. I operate a farm located about 1 mile south of St. Paul on County Market Road 36. I operate about 650 acres of crop land.

I first came to Oregon from Texas to migrate here and see this part of the country. I worked here in 1953 as a migrant. Then 2 years later I got a job as a contractor to supply the labor for the Willamette Valley in the St. Paul area. Since then, in 1956, I started farming on my own and I continued farming until this time.

The crops I grow include strawberries. You name it and I have it, because my kids have a truck garden crop for a roadside stand. I operate up to 30 acres in strawberries and it is now limited to 5 acres, just mainly for my kids' stand.

All of my harvest labor is now contracted through a local labor contractor who recruits the labor locally from his place of business. The labor he supplies me are about one-third migrants and the remainder are local. These laborers include about one-fifth under 12, one-fifth in the 12–15 year group, and the other three-fifths adults. No transportation is provided by me or the contractor, and all workers furnish their own transportation. I have no harvest labor housing except for two dwellings which I rent to my workers.

If children under 12 years of age are not allowed to pick berries in 1975, I estimate that the labor supply will be reduced by much more than a fifth of the pickers now in this group because of the large numbers of family groups working in my fields, many of them have from one to several children under 12 and they will not come if the entire family cannot pick as a unit. If we don't let the kids pick our strawberries, I don't think the migrant people will be coming to pick strawberries, because they all pick as a unit. If they come, they will be here and we will have no camps and they will all be on the welfare.

I think this law prohibiting family groups from taking their children under 12 years to the berry and other truck crop fields in Oregon to help in the harvest, I really don't think this is right. I have three kids, 10, 11, and 14. They all have been helping me in the fields where I plant their gardens for their truck stand. They are healthy and they really like the money. They have a stand and I raise their crops in a 10-acre plot and they make more money out of the 10 acres than I do in the rest of the 500 and some acres I produced.

Those kids, if we don't teach them when they are 6, 8, or 10, they will never make it.

Senator HATHAWAY. Thank you.

[The prepared statement of Mr. Bustamonte follows:]

STATEMENT OF CLAUDIO BUSTAMONTE — Farmer and Strawberry Grower

Presented to the U.S. Senate Labor Subcommittee
at it Public Hearing on the Child Labor Provisions
of the Fair Labor Standards Act

Portland, Oregon
December 6, 1974

My name is Claudio Bustamonte. My farm and home are located about a mile south of St. Paul, Oregon on ~~State Highway 219~~ County Market Road 26. I operate about 650 acres of crop land.

I first came to Oregon from Texas as a migrant laborer in 1953, then for the next two years I was a labor contractor supplying harvest workers to growers in the Valley, then in 1956 started farming on my own and have continued as a farmer since that time.

The crops I grow include strawberries, cauliflower, bush green beans, truck garden crops for my children's roadside stand, and wheat. I operated up to 30 acres in strawberries, but this has now been reduced to 5 acres.

All of my harvest labor is now contracted for through a local labor contractor, who recruits the labor locally from his home and place of business. Of the laborers he supplies me, about one-third are migrants and the remainder local residents. These laborers include about one-fifth under 12 years, one-fifth in the 12-15 year group, and the other three-fifths adults. No transportation is provided by me or the contractor, and all workers furnish their own transportation. I have no harvest labor housing except for two dwellings which I rent to workers.

If children under 12 years of age are not allowed to pick berries in 1975 I estimate that the labor supply will be reduced by much more than the fifth of my pickers now in this group, because of the large numbers of family groups working in my fields. Many of them have from one to several children under 12 and will not come if the entire family cannot pick as a unit.

The supply of migrant families, in particular, will dry up, and the welfare rolls will increase.

I think this law prohibiting family groups from taking their children under 12 years to the berry and other truck crop fields in Oregon to help them in the harvest is a bad law, and should be changed. My children have helped me most of their lives, and no one can say they are not healthy and robust. Their experience has made it possible for them to finance, set up and manage independently and successfully a produce stand on the highway near our home.

Thank you for listening to me.

Senator HATHAWAY. Mr. Setniker.

STATEMENT OF FRANK SETNIKER, VICE PRESIDENT, OREGON FARM BUREAU FEDERATION, McMINNVILLE, OREG.

Mr. SETNIKER. I am Frank Setniker, vice president of the Oregon Farm Bureau Federation. My address is Route 2, Box 217A, McMinnville, Oreg. My wife, Norma, and I own and operate Setniker Farms, a family operation consisting of 1,800 acres of diversified farming in Yamhill and Polk Counties in the mid-Willamette Valley. We wish to thank you for coming to Oregon to hold this hearing.

We produce forage crops, tree fruits, cereal grains, nuts, seeds, vegetables, and strawberries.

The strawberry operation consists of 84 acres near Independence, Oreg. It is one of the larger strawberry plantings in Polk County. Production from these acres will range from 675,000 pounds to 1 million pounds annually, depending on weather, growing conditions, and availability of harvest personnel.

We are totally dependent on local people to harvest the strawberry crop. We are located in an area that has traditionally employed families that drive out to the field with their own cars. The family groups will range from father, mother, and children to either father or mother and children to older brothers and/or sisters and younger children. We also provide transportation for other children which are in a supervised group. The supervisor is usually a schoolteacher.

I might point out that our strawberry harvest comes during the school vacation period so in no way interferes with school activities.

All of our pickers come on a voluntary basis and are desirous to participate in the strawberry harvest for many different economic reasons. For some it is the means of earning their own money for a family summer vacation as soon as the berrypicking season is over, which usually last from 21 to 26 days in our area. To others it will be money for new school clothes, books, and so forth. Some others are looking forward to buying new bicycles, fishing equipment, baseballs, bats, gloves, et cetera. A number of them are looking forward to helping themselves financially in furthering their education.

The number of pickers varies during the season depending on how the berries ripen and reach maturity. On the average, we use around 600 people. At peak maturity periods, we have had up to 1,000 pickers. I estimate that about 25 percent of the crew are affected by the under-12 restriction. If the smaller children cannot work, a percentage of the parents do not come, so we lose the over-12 children also in these cases.

Most pickers generally work about 6 hours a day. Very few will exceed 8 hours a day. However, many drive-out families may work for only 1 to 4 hours a day. Many driveouts do not work regular hours; they come and go as they please.

In recent years, we have phased out the number of buses used to transport workers. The need for buses usually depends upon the number of drive-out workers that report to work. We have used up to six buses in past years, but in 1974 the maximum used was four. These were used only if we needed to supplement the drive-outs to keep up with the ripening berries.

Daily production varies with individuals. The average is about 6 to 8 crates per day, with the best pickers checking in 15 to 20 crates. We have established a minimum of six crates per day for children in our bus crews. Many will pick more, but they must pick at least six crates to remain on the crew. Our bus crews average about 50 children per crew.

Along with earning money, young people have the opportunity to learn how to work instead of wandering the city streets looking for something to occupy their time.

The impact of the under-12 ruling was dramatically demonstrated to us by the increase in the number of pickers that resulted in an 18 percent increase in berries picked on the first Monday after a temporary injunction was granted allowing under-12-year-olds back in the fields to pick.

We are convinced that, if our picker situation is allowed to deteriorate to the point where families cannot be attracted, we will phase out the production of strawberries and use the land for one or more of the many optional crops available to us.

In conclusion, we wish to express our appreciation for your taking the time to come to Oregon to help us out on this problem so important for the survival of the industry.

STATEMENT OF LARRY KELLY, STRAWBERRY GROWER, SALEM, OREG.

Mr. KELLY. I am Larry Kelly, Mr. Hathaway and Mrs. Green. You have a copy of my statement.

Senator HATHAWAY. We will make that a part of the record at the conclusion of your testimony. If you could summarize it, we would appreciate it, as we are running a little short on time.

Mr. KELLY. I have some off-the-cuff remarks I would like to make, rather than going through this.

It has been stated in the testimony in opposition both ways to me that my name has come up many times in this hearing and also previous ones, so I presume I am either classified as a politician in the eyes of some or a culprit in the eyes of some or maybe a hero in the eyes of some of these children who I hope can continue to work.

Mrs. GREEN. If I may interrupt, Mr. Kelly, Senator Hathaway and I wear the badge of politician very proudly. So don't feel that is a bad title.

Mr. KELLY. The one thing I am sorry about on this whole problem, we had a simple problem when it started out, when the Congress passed this law prohibiting the under age 12 children being able to harvest the strawberries, to my simple mind it has been blown out of all proportion, made a political issue, and some of this testimony that has been brought here today seems unrelated to the problem of the 12 year and under age child picking strawberries.

One comment I would like to make to the young lady this morning, she made the statement that my camp had never been checked. I do not have a camp; I never have had a camp for migrant labor or any other labor. I only hire labor that is picked up, usually in front of their home, and transported back and forth every day. My fields have been inspected from a health standpoint and all other standpoints that the State provides.

Another point that I would like to comment a little bit, on, one gentleman said a little while ago that if the pay was increased 25 percent or maybe 25 cents a crate, maybe we could overcome this insurmountable problem of acquiring this labor force to pick these berries for 20 days, approximately 1 year. In my mind, I don't believe if we doubled the price we could still come up with sufficient labor on the peak period of days on picking strawberries to harvest a crop.

I don't believe this is economic or part of the whole picture. I don't believe this is going to make pickers out of unemployed people who are used to making $5 or $6 or $7 an hour.

Another thing that was brought out in this testimony is that we are caught in this price squeeze as a grower and I assure you we are faced with this important problem. We can't demand any higher price for our strawberries from the packers and the public because they won't go any higher because they have the cheaper berries that they can bring in from other countries.

Another point is, even though we could demand a higher price and get a higher price for our strawberries, one of the main issues in the United States today, it seems to me, is food prices. We would only be getting on this merry-go-around and causing more problems for every citizen in the United States.

Another point that Mr. Fujii brought up a few minutes ago on the harvesting of these strawberries in particular, there are so many variables in harvesting of strawberries in this short period of time, such as the weather, one day it might be raining and they can only pick 2 hours and the next day it might be 100° and we can pick for 2 hours in the morning. There are many other things, not only weather, but crop conditions. Some years we have gigantic berries like that (indicating) and everybody can make $10 or $12 a day. The next year the best picker can't make $10 a day on the best day. So you have these problems plus many problems related to other employment in the area.

I happen to haul kids in from the coast which is a logging community. Lots of time they will shut down in the middle of the strawberry harvest and people aren't in a position to come out and work with their children any more. If it is in the middle of June and they close down over there, naturally they will take their vacation, the parents do, so the children go, and we lose pickers that way. That is a fact we cannot control as a grower.

There are so many others I could take the rest of your afternoon's time. I will close with that and be glad to answer any questions.

Senator HATHAWAY. Thank you.

I want to thank all of you.

[The prepared statement of Mr. Kelly follows:]

STATEMENT OF LARRY KELLY, Strawberry Grower

Presented to the U. S. Senate Labor Subcommittee
at its Public Hearing on the Child Labor Provisions
of the Fair Labor Standards Act.

Portland, Oregon
December 6, 1974

Having just finished my 31st year in the strawberry fields, and the last fourteen as a grower, employing between 500 and 1000 children per day harvesting our strawberry crop, I have seen many children start to work and mature into responsible young adults. We encourage the kids to take pride in the work they are doing and watch them gain confidence and self respect as they improve each day and from one season to the next.

A principal problem for us arising from the 1974 Fair Labor Standards Act Amendment is that for the past number of years, approximately 1/3 of our pickers have been under 12 years old. Some growers have told me their crews will average 40% under 12 years. It takes approximately two seasons for most kids to become proficient at picking strawberries. We like to start them at 10 or 11 years of age. They reach their peak at 12 through 14 years and by 15 to 16 years are looking for other types of employment.

The ban also causes problems in the case of working mothers. Older brothers or sisters are pulled from the field to stay at home and baby-sit with the under-twelve year olds. Many of the adults working in the fields as drivers, checkers, and platoon leaders like to bring their children and work as a family unit and this is only possible if those under 12 are permitted to pick.

As a grower, we have to meet health and safety standards prescribed by the government in the fields concerning sanitation facilities and drinking water.

All of my pickers are provided transportation in the same school buses they ride during nine months of the school year; at least two adult supervisors are with each platoon of about 50 pickers. Many of these are school teachers and the ratio of child per adult is the same in schools. With this type of supervision, I cannot see any difference of children picking on a large farm or a smaller farm.

Pay is at a piece rate, so much per crate, and has been for 30 years, consequently pickers receive the same pay regardless of age, sex or race. Many children earn much in the excess of minimum wage per hour. This type of pay encourages them to learn to work and appreciate their earnings. I personally feel that many children learn much about job responsibility, good work habits, the value of money and the value of trying, in their 3 or 4 years of berry picking. This certainly is a long-range benefit to each individual.

Berry pickers are encouraged to work, but not forced, and never have been to my knowledge. The children who do not wish to pick are not in the fields. I feel this is a parents' decision, not the government's.

Since strawberries are a very perishable crop, they must be harvested when ripe. The average picking season is about 23 working days in a 30 day period. Due to the short harvest season, I'm sure you can see why it would be difficult to attract any other type of labor. I personally believe, if higher wages were possible, we still could not attract sufficient labor to account for the loss of the under 12 pickers. If Oregon's strawberry harvest season was like California's, which lasts upwards of 6 months, it could be possible. Strawberry growers have always been short of pickers and it isn't getting any better. Losing 1/3 of our labor force hurts.

Mechanical harvesting of strawberry varieties we are now raising is nowhere in sight. There is no other crop that creates as much summer employment of children under and over 12, as pickers, employs adults as supervisors, or provides jobs in the processing business, that gives our local communities a greater economic boost. On our own farm we have paid out an average of $75,000.00 per year for the past ten years in wages directly involved in harvesting our strawberries. It would take a fair sized business to replace this payroll in our community. Take into consideration that this is only one grower.

We have never had a picker injured while actually picking strawberries. The few minor injuries that have occurred over the years are through horseplay. The strawberry field is as safe as the average school class room and healthier.

There is no other crop I can raise that will gross or net the amount that strawberries can per acre. I am concerned financially, though my main concern is for the children who will not have the opportunity to pick. Because of the ban on under 12 pickers, it would not be feasible to replace or plant any acreage in the spring of 1975 and in 2 or 3 years be phased out of the strawberry business. I am sure others will be forced to make the same decision. March 1st is the deadline for most growers to make final plans on planting for spring. If there is no change in the present law, or a strong indication of such, I will have to plant a mechanically harvested crop on ground prepared for strawberry planting. I'm sure others will do the same. We need your quick action to save the strawberry business in Oregon and Washington.

Thank you.

Senator HATHAWAY. Mr. Fujii, we have some questions we would like to submit to you in writing which you might not be able to answer off the top of your head. I refer to such questions as how many farms would be exempt under the 500 man-days test, and the like which we would like you to answer for the record.

Mr. FUJII. I might comment briefly on the 500 man-days test. The change in the system brought about by the 1974 legislation deleted the exemptions of the local piece-rate commuter who lives in his permanent residence, so this would change the picture. The 500 man-days test is a really difficult one to get a handle on, you might say, for the number of farmers that might be affected. We could possibly make an educated guess on it, but I think at this point that is all it would be is an educated guess.

Senator HATHAWAY. Whatever figures you can give us.

Mr. FUJII. Some of the larger operations, farm operations, in the State, you see, would be under the 500 man-days if they only employ two or three permanent employees; yet a small horticultural operation, if they employed 100 pickers for 5 days, they are in. So it is a very difficult one to get a handle on at the moment.

I will be glad to respond to any other questions in writing if you wish.

Senator HATHAWAY. Thank you.

Mrs. GREEN. Thank you.

If I could start with you, Mr. Kelly, in terms of increasing the price, it seems to me that is irrelevant in terms of the legislation itself because, if the price was increased, children under 12 would still like to pick. As far as my sons were concerned, it was only a part. I really encouraged them to pick strawberries because I thought it was good for them to get out and learn the value of money and earn their own money, to learn how to spend it and make judgments. It seems to me that is the important part and not whether they are going to increase the number of adults who will pick.

Mr. KELLY. I agree with you 100 percent.

Mrs. GREEN. In response to a question from Senator Hathaway when he was talking about remedial classes, I said the strawberry season was about 5 or 6 weeks. Is that wrong, is it more like 4 weeks?

Mr. FUJII. I think 3 to 4 weeks.

Mrs. GREEN. I would like to make that clear in the record, because after I said that I thought it was too long. It does have an effect on the question.

Mr. FUJII. The season will last a little longer. Mr. Chairman, in a State, but on a farm this is a shorter period. There is a difference on the maturity of the berries on the valley floor and the high valleys and high hill land in Washington County, so the time lapse could last over a 5-week period, but on a farm, on a single farm, it would probably be closer to 3 weeks.

Don't you think so?

Mr. KELLY. Yes.

Mrs. GREEN. That does have an impact on your question.

Senator HATHAWAY. Yes.

Mrs. GREEN. I would like to clarify on the chart, Mr. Fujii, exhibit C, as I read that chart in the year 1967 you had about 54,000 people employed in the strawberry harvest and you had about 11,000 migrants is that right?

Mr. FUJII. Yes.

Mrs. GREEN. But how many of those would be under 12?

Mr. FUJII. This, again, is difficult. I think possibly Claudio might have a better handle on this with his experience in working with migrant families.

Mr. BUSTAMONTE. I would say 20 percent.

Mrs. GREEN. A fifth of that. You are talking about a couple of thousand there.

Then in 1973, if I read your chart correctly, you had about 78,000 working in the strawberry harvest and you had about 3,000 to 3,500 migrants, so the percentage has gone down considerably. It would still be about 20 percent of the 3,500, so we are talking about 700 youngsters who would be from migrant families, is that right?

Mr. FUJII. In the whole State?

Mrs. GREEN. In the chart.

Mr. FUJII. I think this would be right. It depends on the families, but I think 20 to 25 percent of the workers in the families would probably be——

Mrs. GREEN. So if you have 3,500 migrants and you are talking about a fifth of those there, you still have a very, very small number.

I want to raise the question of the urgency of the change in the legislation, Senator Hathaway. We had hearings here and one of the statements made by a grower, if they did not know by March 1—I don't know if it was you, Mr. Kelly or someone else—if they did not know by March 1, they simply were not going to plant the strawberries. Am I right in that?

Mr. KELLY. Yes, it is in my testimony.

Mrs. GREEN. So there is a great urgency if you can possibly get a limited bill through.

What about the increase in Mexican imports? The Congress is much concerned about our balance of payments and our deficit. Do you have figures on the percentage increase of imports of strawberries from Mexico in recent years?

Mr. FUJII. I think Mr. Conroy probably has it.

Mrs. GREEN. Who?

Mr. FUJII. Mr. Conroy, who spoke this morning, would have these figures. I do have in my briefcase some figures through 1971.

Mrs. GREEN. If it is in the record, that is fine.

I think that is all, Mr. Chairman.

Senator HATHAWAY. Thank you very much, gentlemen.

Our next witness is Mr. Robert J. Hulbert, Washington State Farm Bureau, accompanied by Harold Arneson and Vinton Erickson.

All of your statements will be made a part of the record at the conclusion of your testimony and I would appreciate it if you could summarize.

STATEMENT OF ROBERT J. HULBERT, WASHINGTON STATE FARM BUREAU; ACCOMPANIED BY HAROLD ARNESON, PORTLAND, OREG., REPRESENTING THE WHATCOM COUNTY GROWERS ASSOCIATION, AND VINTON ERICKSON, STRAWBERRY GROWER, VANCOUVER, WASH.

Mr. HULBERT. Mr. Chairman, I would say with Mrs. Green's great help and the Oregon growers, we won't be repetitious. We will point

out where the differences exist between Washington and Oregon's situation.

I think you have a copy of my statement. A few things we should highlight, in the second paragraph we point out approximately 30,000 youngsters are working in the fields in western Washington in our peak strawberry harvest, about 10,000 each in the two northwest counties of Skagit, from which I come, which is Senator Jackson's district. Senator Jackson comes from Everett, and also Congressman Meeds. Mr. Arneson is from the Canadian border county of Whatcom.

Employment security people have indicated about one third of our strawberry labor force is made up of children under 12 and it is estimated that they harvest 25 percent of our crop.

I am here to tell you, when this law went into effect, it was a great shock to many of our growers because we went out into our fields and did some head counting and we were flabbergasted to find out how many 11-year-olds were there. It hit us hard.

An example here might give some idea of the problem. In Skagit County for the short period of less than 1 month during the strawberry season we need 10,000 youngsters to work in the fields. The entire county population is 60,000. You are dealing in a more rural area. These 10,000 youngsters are, of course, required to keep produce going to our five or six processing plants where we have all of these college students and full-time adults working. Obviously, such an adult labor force is simply not available in a community of our size and these young people don't take jobs from adults. Indeed, they provide the backbone of support of the processing and distribution industries.

We don't have California-type agriculture in Washington and Oregon. We are not large conglomerates. We don't have in Washington the many small growers. We don't think the 500 man-days rule will eliminate hardly any of our growers. We are somewhat larger in our acreages. There are very few part-time farmers any more.

A child in Washington will start working at 10 or 11 years of age in berries and then graduate to other crops, as we point out. I don't think the processing industry has pointed out to you how important it is. Strawberries is the crop that begins right after school lets out in June. The processing plant starts seasonally and these 3 or 4 weeks when they are processing strawberries they do not have an alternate crop at that time that they could be processing. Strawberries come on early. It lengthens the processing season for that particular plant, which is, of course, very important in the cost factor.

We have described to you here, which you might read, what an average child in Washington does. He gets up in the morning and listens to his radio station to find out where the grower is working. He gets on a bus. The busing system is used primarily in Washington. He has a school teacher driving the bus. The person who drives the bus has to have a special bus driver's license in Washington, as any bus driver does who works for any school system, supervised by a teacher usually or a parent or a bus driver in the school system, 25 to 30 youngsters, 35 youngsters perhaps, per adult supervisor.

I was surprised to hear what was said this morning about local health inspection. In my field we always have our drinking water and

sanitary facilities inspected periodically by local health authority as prescribed by State law. We are covered by State industrial insurance.

Migrants in western Washington are a very decreasing factor. Our Employment Security and Health Department estimates we have 20 to 25 percent of the migrants we had 8 years ago. I discussed this with the Employment Securities people last week and I am sure they can verify this. Most of the migrants we have come from either western Oregon, eastern Oregon, or from Washington, eastern Washington.

I am from Skagit County and I was particularly interested in the statement that we don't pay enough to pick the berries to attract the people from Yakima, the people from eastern Washington.

In the first place, if we are going to attract Chicano or migrant people from eastern Washington, where are they going to live? Where are 10,000 people in a community of 50,000 going to live? It is simply an economic fact of life that you cannot provide housing at the standards and costs for housing now, toilet facilities, running water, and all of these things, for migrants any more. That is why we use so many more children.

I would conclude by saying that we farmers do not really feel the issue raised by prohibiting anyone under 12 years from working is a purely agricultural problem. Farmers concerned with the problem are few in number and we are having to shift to other crops if we are going to survive if you put us out of business. We are resourceful, adaptable people. The damage to the economy and our particular way of life seem obvious, however. We feel the problem is really one more for the thousands of parents and their children and the people who work in the processing and distribution industries, and the American consumer.

We feel that any problems inherent in young people working in agriculture can be corrected by good legislation and regulations without arbitrary prohibitions. We state categorically that absolutely no responsible person in agriculture condones any situation that allows employment in agriculture to interfere with the young people's education.

Senator and Mrs. Green, there are laws on the books that prohibit children from working in agriculture. Let's, for heaven's sake, enforce the laws we have. We say again, if it is against the law, let's enforce it. Let's enforce some of the laws we have, camp inspection, drinking water facilities, sanitary facilities. These are all laws on the books, regulations on pesticides. Let's enforce some of the laws we have.

I will yield to Mr. Arneson.

STATEMENT OF HAROLD ARNESON, GROWER, PORTLAND, OREG., REPRESENTING THE WHATCOM COUNTY GROWERS ASSOCIATION

Mr. ARNESON. My name is Harold Arneson. I, along with my son, Marlin, own and operate a fruit and vegetable farm in the northwestern area of Washington. I also represent the grower members of the Whatcom County Growers Association.

I speak for these growers as well as myself when I say we are deeply concerned that people are not aware of the procedure of picking berries.

Every picker has a little wheelbarrow of this type which eliminates the necessity of lifting the flat either empty or full. Boxes of 12 to 14

pounds of berries can be placed in this flat. As it is pushed down the row while the picker picks the berries—he moves at his own discretion—and then a handle is used where he moves it up to the checker where he gets punched on a type of reporting card that records his activity for the day. This is our heavy equipment that you will find in a berry field. It is very simple and very useful.

I would like to say that our concern primarily is that we are being affected by a changing life pattern in our area which has developed over a long period of time. Harvesting patterns in our community are a way of life. Children now employed in strawberries are the children of parents who only a few years ago began their productive life in a like fashion.

It is interesting to note that the parents in our area are very favorable to children working in the strawberry fields. A survey in 1968 substantiates this when 52.9 percent of those responding were in favor of children harvesting strawberries as opposed to 27.4 percent who were unfavorable.

We received a lot of communications last year, letters, phone calls, and what-have-you from those who were going to be unable to pick. Many of them threatened us with the fact that they were going to come anyhow regardless of whether we were going to try to keep the law or not because they wanted to pick strawberries.

A number of these letters, as Mrs. Green indicated, got to Washington and we appreciate the fact that in this great American way we are being hurt.

This established way of life is not only beneficial to the grower, to the parent, or even to the child, but creates a health climate throughout the entire area.

I would like to refer to a letter which I included in my report from M. Rainier Ellenbaugh of the Juvenile Probation Department of Whatcom County Superior Court.

Interestingly enough, we phone this down to have the duplications made and a typographical error certainly makes it anything but in our-favor.

I would like to have you note in the second paragraph on page 2 that the word according to his letter should be decrease rather than increase. I would like to have that changed. Don't take it to Washington that way.

The letter states:

> We have noted on many occasions over many years the advantages that accrued to children when summer employment is available. There is a significant observable decrease of referrals to the Whatcom County Juvenile Probation Department at those times when good crops of fruit and vegetables give opportunity for children to work and earn money to spend for items they want or need and many of them do not have the inner controls to handle these wants if the possibility to gain them legitimately is not available. Still another consideration is the old but valid cliche that "idle hands breed mischief." In short, we believe the advantages which come to a child through the availability of summer employment far outweigh the remote possibility of some instances of exploitation of children by employers.

This is signed by Mr. Rainier Ellenbaugh.

In relation to the camps, as was stated, the camps in our State are inspected annually by the county health department and we are required, before we are given the license to operate, to have these camps

meet all of the requirements provided, as well as field conditions. We are not only inspected prior to the crop but also during the time of harvest. Drinking water is tested prior to and even during the season.

Statistics reported from the State of Washington Department of Employment Security indicate that approximately 5,100 strawberry pickers were needed in Whatcom County to harvest the crop last year, of which 1,896 were referred.

Also it is to be noted that in this report the Employment Security Department stated 11 more growers with no more referral action because of the lack of pickers. This indicates if it had not been for those under 11 who had a temporary stay of execution of the law, we wouldn't have harvested our crops.

Our records show that 34.8 percent of those responding to our advertising are under the age of 12.

In conclusion, I say I am concerned because the strawberry industry is in danger of being destroyed in our area, an industry which we have worked long hours to create. But we as growers are not alone in this concern. A way of life is being threatened, the American way of individual choice, of parent responsibility, being taken over by law, of the opportunity of both young and old to find fulfillment in the pursuit of personal gain and personal happiness.

Thank you.

STATEMENT OF VINTON ERICKSON, STRAWBERRY GROWER, VANCOUVER, WASH.

Mr. ERICKSON. My name is Vinton Erickson of Vancouver, Wash. I, too, am a strawberry grower. We have about 100 acres of fruit, vegetables, and grain crops and about 100 acres that will be picked in strawberries in 1975.

We will employ over 1,000 local kids during this next strawberry season alone, with many of these same kids working through the summer picking cucumbers, zucchini squash, and broccoli.

In our area we have no migrant workers and never have had. In the last 20 years that we have been raising strawberries, we have employed thousands of children who have had their first work experience in our fields. Because we have the larger fields in the area and larger coverage for our buses, we are able to keep the younger picker percentage low. However, the smaller grower who must depend on one bus or drive-in would have a larger percentage of younger workers and could not pick his crop without them.

In our case, we recruit our own pickers in a newspaper ad and a signup in advance by telephone. We feel that growers should not go through schools. We don't bother the schools ourselves; we do our own recruiting. We set up attendance records and encourage them to set goals for each day and we pay them by check. They work about 20 days in our strawberries, about 7 hours a day, less hours if the weather is hot. We usually work 5 days a week and never pick on Sundays.

It is unfortunate this law was written with the intention of protecting the younger workers and now is taking this privilege away from them. Since strawberries are planted 1 year and harvested the next 3 or 4 years, there is considerable investment per acre. You can't readily change to an annual or other mechanical crops real quick.

As you know, strawberries must be picked by hand and the consumer expects the quality of a hand-picked berry. We feel as long as there is a market for the product, growers willing to do their part, and labor willing to pick, since we are the largest employer of school-age children, we ask that a change in this present law be allowed to allow children under 12 to be allowed to pick summer crops and that the proof of age be eliminated.

Thank you.

Mr. HULBERT. We would be happy to respond in writing to any questions you have.

Senator HATHAWAY. We would appreciate it if you would reply in writing. We have a lot of detailed questions that require detailed answers and you probably don't have the figures available.

Mr. HULBERT. Your staff will mail this?

Senator HATHAWAY. Yes.

Do you have any questions?

Mrs. GREEN. I have just one that has been troubling me, this arbitrary 12-year-old cutoff. I understand it was argued this morning if you allow children under 12 to pick you are going to depress the prices that you pay to people, is that correct?

Mr. HULBERT. We don't think so.

Senator HATHAWAY. That point was made.

Mrs. GREEN. That argument was made. I am unable to understand that because if the kid is 12 he can pick but, if he is 11 years and 9 months, he can't pick. I don't understand how that difference is going to depress the prices or increase the prices. It seems to me to be kind of an arbitrary cutoff there.

Mr. HULBERT. My county was quoted as having a high unemployment rate. When we do employ adults, and some of them do, 2 percent over 18, I don't care, unemployed Boeing people, unemployed mill people, there is a certain manual dexterity. You are not going to get a Boeing person or a millwright to pick strawberries.

Mrs. GREEN. I understand, Senator Hathaway, that we also put on the statute books a law, a program, for teenagers and neither one of us can remember whether that starts at 14 or not, to work in the forests in the summer. It is kind of a CCC camp. The pay on that is not high and the whole reason for the program is to give youngsters something constructive to do in the summertime. You could make the same argument, we ought to destroy that program, do away with it, because it would depress the wages that would be paid to others.

Mr. HULBERT. I have served on the Governor's Advisory Committee for both Governor Evans and Governor Rosillini in the State of Washington. We begged the farmers to go into downtown Seattle, to go into the ghetto areas, to take these kids out and give them some useful work experience in the berry fields.

Mrs. GREEN. I was saying Congress has passed various laws designed clearly for the purpose of giving youngsters something to do that was constructive. The pay is not high. So, if you followed that argument that you are going to depress the wages, we would do away with every Federal program we have designed to help it.

Thank you, Mr. Chairman.

Senator HATHAWAY. I think a point was made that there is no question that certain elements in any wage group might depress the wages

for some other group. But we sometimes have social objectives which we would like to fulfill. As Mrs. Green just pointed out, we spend a lot of Federal money trying to create jobs for youth in certain areas. It seems ridiculous not to let jobs that are created by private enterprise continue to exist unless they are hazardous to the children. I haven't heard anything that indicates very strongly that this particular job is hazardous.

Mr. HULBERT. We enforce the laws, we have to protect the children. Don't take the work away, what little work there is for them.

Senator HATHAWAY. Thank you very much.

[The prepared statements of Mr. Hulbert and Mr. Arneson follow:]

STATEMENT TO THE SUBCOMMITTEE ON LABOR OF THE U.S. SENATE LABOR AND PUBLIC WELFARE COMMITTEE REGARDING CHILDREN WORKING IN AGRICULTURE IN WASHINGTON, MADE BY ROBERT J. HULBERT, 2049 DRY SLOUGH ROAD, MOUNT VERNON, WASHINGTON, 98273, REPRESENTING WASHINGTON STATE FARM BUREAU.

First let us say that agriculture is the second largest industry in the State of Washington with an on the farm income approaching 1.75 billion dollars in 1974 -- also producing over 500 million dollars in agricultural exports from the United States for our balance of payments abroad. Here on the Pacific slope we export a wide variety of agricultural products to the Orient. Although we have a mild temperate climate we do have a comparatively short growing season and many of our crops are harvested in a relatively short period of time during the early and late summer. An important and integral part of Washington's agriculture are the small fruit, vegetable and bulb crops of Western Washington grown in the extremely fertile, alluvial valleys west of the Cascades. These crops include strawberries, raspberries, blueberries, cucumbers, bulbs of many kinds, green peas, cauliflower, broccoli, vegetable seed, flower seeds and other specialty crops. Since our growing season is short, almost all of our vegetable and small fruits go into our processing plants for freezing, canning and preserves. The high quality of our products is widely known and the world is literally our market.

Our young people have historically and traditionally played a vital role in our state's agriculture in the harvesting and processing of our crops. Work in strawberries, bulbs and vegetable seeds begins shortly after school lets out in June. At the peak of the strawberry harvest in late June, or early July, approximately 30,000 youngsters are working in the fields in Western Washington, 10,000 each in the two largest agricultural counties of Skagit and Whatcom in the northwest corner of the state. Strawberries are the crop requiring the largest work force and the youngest. Surveys and estimates by State Employment Security people indicate about 1/3 of the strawberry labor force is made up of children under twelve (12) years of age and estimate that this age group harvests about 25% of the crop.

An example here might be of help in understanding the problem. Skagit County, for the short period of less than one month during strawberry season, needs 10,000 youngsters to work in its fields. The entire county population is less than 60,000. This is the force required to reap produce going to its processing plants where many college students and full-time adults work.

Obviously such an adult labor force is not available and these young people don't take jobs from adults. Indeed, they provide the backbone support for many people in the food processing and distribution industries.

The pattern of young people working in agriculture, and related fields, has been established over the years. At about age 10 or 11 the average Western Washington child that has the chance goes to work picking berries usually with his brothers or sisters. He usually works 2 to 4 years as a berry-picker in the strawberries and raspberries, then graduates to other crops like bulbs, cucumbers or seed crops. He may then go to work in the field harvesting peas or into the processing plants at college age or before.

An average child working in agriculture listens to his local radio station in the morning to make sure his grower is working. He is then picked up by a bus supplied by his grower, driven by a person with the same special license required for all school bus drivers in Washington. He is supervised in the field by someone who is usually from his local school system, usually a teacher. This person supervises 25 to 30 youngsters. He takes his lunch and leaves it on the bus during morning picking. He was paid $1.00 per flat in 1974 for an average weight of 14 pounds of berries. He works usually no more than 6 hours per day field time, never on Sundays and often has Wednesday or some other day off during the week if the crop warrants. Toilet facilities, drinking water and other sanitary facilities of his grower are inspected by local health authorities periodically under standards prescribed by state law. He is covered, under law, by State Industrial Insurance. If he is under 12 he is often accompanied by an older brother or sister and it is not at all uncommon for his mother to go out several times during the week to help out. In general, he comes from a good, solid, middle American family. He works because he wants to make some money on his own and because his parents want him to. The strawberry season lasts over a period of no more than 25 days out of which the picker very seldom works more than 14 or 15 days. Raspberries last a similar length of time into early August. More girls than boys work in berries and the boys leave the berry fields earlier to work in other crops. College girls form the backbone of many processing plant operations along with working women.

Migrants form a greatly decreased role in harvesting our Washington crops. In Western Washington, estimates place the number of migrants in agriculture at 20-25% of what it was eight years ago. These are Employment Security and Health Department estimates based on spot checks. The great majority of those

who do come, over 70% are from Eastern Washington and Oregon. They come only for summer work and return to their permanent homes when school begins after Labor Day.

Some points we feel should be made in summation. Washington berry farmers have, in general, larger operations than in Oregon, fewer small or part-time growers. There were probably less than 1/3 the growers in berries in 1974 than there were in 1966, with perhaps 20% less total acreage.

Over 100 million pounds of processed strawberries in the United States, out of our annual consumption of about 250 million pounds, came in from Mexico. This is a fact of life, as also it is a fact that a child in Mexico may pick berries all day for less than $1.50. Sanitary conditions and standards in the fields and processing plants in no way measure up to United States Department of Agriculture or Pure Food and Drug Standards. We also point out that agricultural wage rates in Washington State have been first or second of any state in the union for the past five years.

We farmers do not really feel the issue raised by prohibiting anyone under 12 years of age from working in agriculture is a farm problem. Farmers concerned with the problem are few in number and will eventually survive, shift to other crops and stay in business. We are resourceful, adaptable people. The damage to the economy and our particular way of life seem obvious however. We feel the problem is really more one for the thousands of parents and their children, the people who work in the processing and distribution industries, and the American Consumer. We feel that any problems inherent in young people working in agriculture can be corrected by good legislation and regulations without arbitrary prohibitions of employment for anyone. Absolutely no responsive person in agriculture condones any situation which allows employment in agriculture to interfere with young people's education regardless of age.

We rely on the good sense of our friends and neighbors who have worked with us over the years and the common sence of the American people to point our future course.

STATEMENT OF HAROLD ARNESON

Presented to U. S. Senate Labor Subcommittee
at its Public Hearing on the Child Labor Provisions
of the Fair Labor Standards Act

Portland, Oregon
December 6, 1974

Mr. Chairman, members of the Committee:

My name is Harold Arneson. I, along with my son Marlin, own and operate a fruit and vegetable farm known as Arneson Farm near Lynden in Northwestern Washington. I also represent the grower members of the Whatcom County Growers Association.

I speak for these growers as well as myself when I say we are deeply concerned by the new amendment which will be effective in changing a way of life in our area which has been developed over quite a period of time. The harvesting pattern in our community has become a way of life, many children now employed in the in-gathering of the berry harvest are the children of the parents who only a few years ago started their productive lives after the same fashion. These parents, along with the majority of other parents of this area, are very favorable to this freedom of opportunity, and expressed it quite substantially in a survey taken in 1968 where 52.9% of those responding were in favor of children harvesting strawberries as opposed to 27.4% who were unfavorable.

Those who showed the deepest concern last spring, upon hearing of this restrictive amendment, were those fellows and girls themselves. We received numerous letters and phone calls, some quite filled with emotion, because this privilege of harvesting and of subsequent paychecks being denied them. I feel they best express themselves and I hereby would like to quote from a letter received --

> "On the matter of age limit for berry pickers, I feel a letter is not out of place, I along with many others am against it. I started picking berries at the age of 10 and even though it wasn't much, I was glad for the money. I see no reason why young kids from nearby cities, who having nothing to do all summer but maybe create trouble, shouldn't be

able to go to the berry fields and make a little money. I think field supervision is quite well organized, if berry growers want kids, why not let them? They even get transportation to and from their homes, I urge anyone and everyone who can change this ruling to do so before next season."

This established way of life is not only beneficial to the grower who could not otherwise obtain sufficient labor and to the ambitious fellow and girl, but to the community as a whole it creates a healthy climate for the entire area. As reported by Mr. Rainier Ellenbaugh of the Juvenile Probation Department, Whatcom County Superior Court - - -

"We have noted on many occasions over many years the advantages that accrued to children when summer employment is available. There is a significant observable increase of referrals to the Whatcom County Juvenile Probation Department at those times when good crops of fruit and vegetables give opportunity for children to work and earn money to spend for items they want or need and many of them do not have the inner controls to handle these wants if the possibility to gain them legitimately is not available. Still another consideration is the old but valid cliche that 'idle hands breed mischief'. In short we believe the advantages which come to a child through the availability of summer employment to far outweigh the remote possibility of some instances of exploitation of children by employers."

This way of life in our community is being threatened by this present law. Labor other than what has been employed is not available. My son, Marlin and I, along with other growers, used to hire some migrants, but this force is rapidly being absorbed in industry where they enjoy the benefits and security of year-round employment. Consequently in recent years our camps are only about half filled.

Statistics from our records indicate that 34.8% of those responding to our advertisements for help in the harvest are under 12 years of age. This is substantiated in a recent report compiled by the Whatcom County Division of the Washington State Employment Security Department which indicated that there was approximately 5,100 strawberry pickers needed and that they were able only to refer 1,900 pickers with the law restricting under-12 year olds (they were not permitted to refer 12 year olds until the last few days prior to harvest). After the temporary injunction was granted, those under 12 years of age voluntarily made up the difference and the harvest was successfully completed.

This younger labor force who helped to harvest these crops are not in competition with others who may need employment. Again, refer to the report by the Employment Security Department, "eleven more growers with no referral action because of lack of pickers".

In conclusion may I say, I am concerned because the strawberry industry is in danger of being destroyed in our area. An industry we have worked long hours to create -- but we as growers are not alone in our concern. A way of life is being threatened. The American way of individual choice, of parent responsibility, is being taken over by a law. Of the opportunity of both the young and the old to find fulfillment in the pursuit of personal gain and personal happiness. I thank you.

Senator HATHAWAY. Our next witness is Mr. Jose Garcia, area director, migrant education program, Washington, and Jose G. Bustos.

STATEMENT OF JOSE GARCIA, AREA DIRECTOR, MIGRANT EDUCATION PROGRAM, WASHINGTON COUNTY; ACCOMPANIED BY JOSE G. BUSTOS, EMPLOYEE, OREGON STATE EMPLOYMENT DIVISION

Mr. GARCIA. Senator, Mrs. Green, members of the committee: My name is Jose Garcia and presently I am employed as the area director of the migrant education program for Washington County.

Washington County is very close to the county that we are sitting in now. My concerns are that we have migrant families coming to Washington County every year, and they have been here several years and the educational component doesn't seem to be increasing. In other words, the drop-out rate is pretty much the same 6 years ago as it is today. My thinking here is that we have programs, educational programs, totally federally funded for these youngsters, for 8 through 12. Usually what we get are the 6-year-olds and the 5-year olds, and their younger siblings. We have to provide day care, otherwise the 6- and 7-year-olds stay in the migrant camps to take care of the younger children. Some of the families take them to the fields with them.

What we do offer is a combination of day care as well as an educational program. The peak season is the strawberry season, obviously. We have a big influx of families, the youngsters come to school. This past summer it was interesting to see that we had a high enrollment in one of our schools—we had two schools this summer—and when the word came out that the 12-year law had been amended, our enrollment dropped significantly. In other words, the youngsters were coming to school, but the rumor was spread that the law would be amended, they went back to the work in the fields.

I have statistics to show this and I will send these to you, Senator, for the record.

My concern is the drop-out rate in the migrant stream. I don't see any improvement in this so, therefore, I kind of like the law the way it is set, being a little philosophical at this point. I studied history and history shows the same concerns being raised now against the law that were raised several years ago for youngsters that worked in the automobile factories and also in the mines.

I think picking strawberries is an easy job for those youngsters whose parents don't put quotas on them. Myself I have a large family, nine youngsters. They have all picked strawberries. I usually send them after they are about 12 years old. They still learn the value of a dollar, of earning a living, but I don't think that migrant families necessarily do this; they send the whole family picking strawberries from the wee early hours of the morning. We have a day care center and some of the families drop the youngsters at 5 o'clock in the morning on the way to work. We have a choice of picking them up by bus or they drop them off at our centers.

I feel that the law is a good law. We will have youngsters in school and hopefully our drop-out rate will drop by having the opportunity to get these youngsters in our schools and to teach them.

I don't think the farmers would want them to roam through the camps and destroy property. I think the families would send them to school.

I wanted to point this out. As I said, I didn't have a statement. I can provide statistics for what I have said.

Mr. Bustos also wants to say something. We understand we have a short period of time to make a statement.

STATEMENT OF JOSE G. BUSTOS, EMPLOYEE, OREGON STATE EMPLOYMENT DIVISION

Mr. BUSTOS. My name is Jose Bustos. I am an employee of the Oregon State Employment Division. For the record, I want to make it perfectly clear I am not representing the Department of Labor in this testimony. My opinion is a personal opinion. I am involved with the migrant workers here in various capacities. One of them is as a radio announcer in a Spanish program. Through these means I have become acquainted with the problems that are faced by migrant workers.

As an educator myself—I am a teacher of foreign languages—I'm concerned in the education of the child. I know that the committee is trying to establish a difference between the migrant child and the local child working in the fields. To amend a Federal law which is the law of the land, as Jose said, is also a certain part of history and civics, and I believe the law should apply to all the people of the land.

I was shocked this morning when Senator Packwood mentioned the fact that there was going to be a difference in the law, distinguishing the local, poor disadvantaged child and the white, Anglo-Saxon, middle-class child. This, I think, was not necessary.

I am a resident of Washington County and this hearing was brought about by a farmer who testified this afternoon, Mr. Kelly. I gathered some statistics yesterday afternoon as to the number of students in junior high and high school and in the sixth grade, which is 12-year-olds. The figure I got was 19,629 in Washington County alone.

My position is that, if we are going to break the cycle of the migrant child or the migrant family that has been the sole victim of the farm labor industry, it is a necessary tool, this law of the 12-year-olds; it is a necessary tool.

Representative Green made a very good statement and that was that we are trying to teach our children to work and to earn a living. She mentioned some of the feelings of the Oregonians, that they were mad at such a stupid law. I myself am mad at the laws that are on the book and not implemented, but also we must remember that we are trying to teach our children to respect the law. I would ask the committee to further address the farmers and growers and labor camp operators, to state whether they deduct taxes or social security from their employees and if they keep records of each employee who is hired by them.

If they can substantiate this documentation, they we can define the statement that there was a loss of over $1 million, the loss that would have been created had this law not been included in an injunction.

I question the sincerity of the farm industry in that they are trying to teach our children good moral character. This has been the story of the farm labor that, as soon as they find a means of finding cheap

labor, make a decision, or hiring other people who cannot defend themselves, they will do it to the best of their efforts.

Thank you very much.

Senator HATHAWAY. Thank you very much.

Is it your contention that taking the children out for a 4- or 5-week period in the summertime——

Mr. GARCIA. The summer program, Senator, runs for 8 weeks.

Senator HATHAWAY. Can't it be shifted to come at a different part of the summer? It is usually a 12- or 13-week vacation. So if the picking starts in June, you could start the program sometime in July or you could run through September when they get back to regular school. You could make some accommodation after school in the regular session to take care of the problem, because most of these children are not going to be picking for more than 3 or 4 weeks.

Mr. GARCIA. They pick about 4 weeks, Senator, and they either move and go to eastern Oregon or Washington State or California; then we have another season which is the cucumber season and some of the same families return.

We have a big influx in the beginning days of June when the strawberry season is in force. The family stays here for 4 weeks and then they move away and return in the second week of August. Then they pick cucumbers until school starts. These youngsters are working hard, they do have quotas. My kids do not have quotas, but in the case of migrant youngsters they do have quotas. They have to produce. I am not saying the parents are rude or uncivilized. I am saying they are here to work. They are here to make enough money so they can survive the rest of the school year. I consider that as hurting the child.

Mrs. GREEN. Are you saying that all children who pick strawberries are operating under an imposed quota?

Mr. GARCIA. I am saying the families are here out of necessity because they have to make a living from the fields. They have to get as much money as they can.

Now, in the case of the local kids——

Mrs. GREEN. My question to you is are you trying to tell the Committee that all of the children who are picking strawberries are working under an imposed quota. Is that your statement?

Mr. GARCIA. I cannot say this would cover all families, no. I'm saying that the youngsters are taken to the field at the same time the families go to the field which is very early in the morning. They work longer hours than the youngster who goes late to work in school buses and works 3 or 4 hours and returns home. In other words, the amount of work, the imposition, is greater.

Senator HATHAWAY. The parents are imposing upon them?

Mr. GARCIA. They come to work, Senator, yes.

Senator HATHAWAY. They say you have to pick so much to support the family.

Mr. GARCIA. Yes. The whole result is we keep this in a vicious cycle. Until wages improve, so the adults can make enough money, we are going to have this over and over again.

Mrs. GREEN. I want to state for the record, if I may, Senator Hathaway, I have known a lot of teachers who have taken students out and I think it should be abundantly clear that the biggest majority of

youngsters who pick strawberries, whether they are under 12, 13, or 14, are not working on any imposed quota by parents or anybody else. Most of the youngsters do start early in the morning. I don't know what you mean by "wee hours," but they start when it is cool. That's the reason for it. Then, if it is a hot day, they quit at 12 noon. So we are not talking about some 16- or 18-hour day, but just for a few hours. They work when it is best for the child, but the vast majority of them, and I would be willing to bank on this, work under no quota at all. In fact, a kid can work very hard one day and the next day he goofs off and makes $1.

Mr. GARCIA. I have also spoken to some crew leaders, Mrs. Green, and they have more hassels with the under-12 children and they see the value of it.

Mrs. GREEN. What is that?

Mr. GARCIA. They have more hassels with the children under 12 as far as picking. The ones I am familiar with indicate the kids who pick the strawberries are the ones over 12. In other words, the younger than that will be more playful and they are not really picking that many strawberries.

Mrs. GREEN. You are saying the youngsters under 12 goof off and they play, so it isn't any work that can compare to what you suggested earlier.

Mr. GARCIA. No.

Mrs. GREEN. You said earlier that the arguments against this are like the arguments against child labor in the mines and factories. I think what you just said is proof that the contrary is so. They aren't compelled to work. Sometimes they work and sometimes they don't. We are not talking about the child labor of 50 years ago in the sweat shops of New York.

Mr. BUSTAMONTE. Senator, may I interject this to the committee so they would have another opportunity to look into the record?

The Federal lawsuit that was filed in *Moreno (M-o-r-e-n-o), v. Ronald Tankersley*, a farm grower here from North Plains, will show to the committee the way the families are lured here from Texas and other parts of the country to come to Oregon in one case.

The other case that I would like you to look into is the case of Donna and Cliff Cameron, who were charged with trespassing in 1968 by a farm labor contractor named Al Luttrell. I don't remember the month, October or November of 1968. They were two VISTA's, Federal employees, who tried to assist a child who was sick. They tried to go into the labor camp to take the child to receive medical treatment and they were put in jail by the order of Mr. Luttrell.

I would like to have you check that record, please.

Mrs. GREEN. Was this in strawberry picking?

Mr. BUSTOS. Yes. These are the families that were brought by these farm labor contractors to work in the strawberry season. This is how they are lured. This is for the record again. They encourage large families to come and they are told that a family of eight or nine children will make $100 a day—not a week, but $100 a day—they will provide housing, food, shelter, medical attention, and all of this is a lie.

For the record, this farm labor contractor deprives citizens of the

community to come and visit this labor camp. This labor camp is considered by many of us as labor concentration camps. Why? Because even in jails we have the right to visit, but here you are evicted from the grower's camp.

Mrs. GREEN. Mr. Chairman, I would really like to see the evidence of that.

When was the bracero program in effect?

Senator HATHAWAY. 1965, I think.

Mrs. GREEN. When the bracero program was in effect, there were labor camps and studies made and the conditions were not what I would like to see. I did not think you could compare the conditions in these years with several years ago.

Could I ask, sir, where you came from and how long you have lived in Oregon?

Mr. BUSTOS. Let me answer this way. The first time I was familiarized with the migrant workers' problem was in 1958 when I was employed by the National Council of Churches to work in Idaho.

Mrs. Green, I was born in Mexico. I am a U.S. citizen by naturalization. When I came and saw the conditions of the migrant workers in Idaho, I was appalled, I was shocked.

Mrs. GREEN. In 1958.

Mr. BUSTOS. 1958, 1959, 1960. You mentioned the bracero program. That was right after the bracero program.

In Idaho I found labor camps that were used in the Second World War as concentration labor camps.

Mrs. GREEN. You are from Mexico. Were the conditions that you found in Idaho worse than in Mexico?

Mr. BUSTOS. Mrs. Green, I feel I am not in a position to answer your question, comparing the conditions in Mexico and in the United States, the living conditions.

Mrs. GREEN. I think it is pertinent to this because I have been in Mexico, too.

May I repeat my question. What year did you come to Oregon?

Mrs. BUSTOS. I came to Oregon in 1966.

Mrs. GREEN. Have you been here for 8 years?

Mr. BUSTOS. Yes, ma'am.

Mrs. GREEN. Have you been with the Department of Labor?

Mr. BUSTOS. I was employed for the Migrant League in 1968.

Mrs. GREEN. This is the OEO program.

Mr. BUSTOS. Because I brought out the conditions in the labor camps, the practices of the farm labor contractors, this is what I am saying here, I lost my job.

Mrs. GREEN. I think for the record the Senate committee should know that the migrant labor program in the Woodburn area, Senator Hathaway——

Mr. BUSTOS. I would say in the whole Willamette Valley.

Mrs. GREEN. It has been a highly controversial OEO program. I think at one time wasn't refunded, for various reasons?

But you have been in Oregon 8 years?

Mr. BUSTOS. Yes. For the record also, I am here testifying, divorcing myself from the Concilio Chicano and from the Valley Migrant League and any other organization as well.

Mrs. GREEN. If you are really concerned about your compassion and your human concern about individuals, why did you not work in Mexico to improve the conditions there?

Mr. BUSTOS. Mrs. Green, I first came to this country to learn English. I began to learn English when I was 18 years of age. My first desire was to go back to Mexico to practice what I learned in this country. It was during my years of training in the United States that I was hired to work with the National Council of Churches, to work with the migrant ministry. That is when I saw there is a lack of people working with and helping the Mexican people. That is when I decided to stay here.

Mrs. GREEN. How long have you been working for the State Department of Labor?

Mr. BUSTOS. Since 1969.

Mrs. GREEN. Is it true that the newly-elected commissioner of labor is in favor of amending the law to allow children under 12 to pick strawberries?

Mr. BUSTOS. I know Mr. Stevenson and I know he is young and I know he is the man who is going to change the view of labor——

Mrs. GREEN. I would like a response to my question. Is it not true that the newly-elected commissioner of labor, Mr. Stevenson, is in favor of changing the law?

Mr. BUSTOS. That I am not in a position to answer.

Mrs. GREEN. Could I ask the other gentleman, how long have you been here with us?

Mr. GARCIA. I have been in Oregon since 1967, Mrs. Green.

Mrs. GREEN. Where did you come from?

Mr. GARCIA. I came from south Texas. I am a citizen of this country. I did serve my country in the service. I see a lot of things in Oregon that need to be changed and the only way it is going to be changed is to improve the conditions of my people from my ethnic background.

Mrs. GREEN. Let me follow up a question of Senator Hathaway's. In regard to your mentioning the school and the dropout rate, is it your contention that children should go to school 12 months a year?

Mr. GARCIA. I like the 12-month school, the year-round I think some of the school districts in Oregon have already started that way. I am a strong supporter of the idea. yes, especially where there is a very high dropout rate, and we do have a Mexican-American community.

Mrs. GREEN. You are not saying in Oregon the youngsters go to school 12 months a year?

Mr. GARCIA. Yes, we do have some communities where they do go. We have two school districts. I believe Canby has 12 months out of the year.

Mrs. GREEN. But a child goes to school 180 days.

Mr. GARCIA. Yes.

Mrs. GREEN. There are some youngsters who go at different times of the year but, to the best of my knowledge, there is not a single school district in the State of Oregon where a particular child goes 12 months. They choose those months of the year that they want to go.

I will go back to my question. Are you saying that you want children to go 12 months of the year?

Mr. GARCIA. If that is going to help the drop-out rate, Mrs. Green, yes, I would support that.

Mrs. GREEN. Do you think the children and the parents would support the youngsters going to school for 12 months? Do you think educators would recommend that?

Mr. GARCIA. I come from south Texas where they did not have strawberries in the summer. There were no jobs for youngsters under 12. There were recreational programs provided by the cities. There were summer schools provided for those parents who wanted to send their children to school. I would say that a lot of parents took advantage of that and I think this would be true here in Oregon.

Mrs. GREEN. But this is a voluntary program?

Mr. GARCIA. Yes.

Mrs. GREEN. There is no educational program that requires the youngsters to go to school 12 months.

I would emphasize what Senator Hathaway said, your summer program could be at a time when the strawberry harvest is not in effect and it could be a voluntary thing.

Senator HATHWAY. It could be.

Mr. GARCIA. Yes, it could be. I don't see the yongsters enrolled in a school if that was the case because of the fact they come here to pick strawberries and they do leave and go to other parts of the State or another State to work there and you know they have to work wherever the work is, so they come in and pick strawberries and when the strawberry season is over the families do move, so I would not follow the rationale of Senator Hathaway in the sense that the children would come here and stay here 3 months and pick 4 weeks and then go to school the remainder. I don't see that happening at all. No; if the youngsters were not allowed to work in the field, then they would come to school, or they would stay in the camp. This is what happens.

Senator HATHAWAY. You want to catch them while they are here and give them some learning in a hurry.

Mr. GARCIA. Right.

Senator HATHAWAY. Your statistics show that they get fewer numbers of weeks of education than children who don't move?

Mr. GARCIA. Yes; they move a lot.

Senator HATHAWAY. Do they get fewer total weeks of school?

Mr. GARCIA. Yes. They miss several weeks of school.

Senator HATHAWAY. How much?

Mr. GARCIA. I would say an average family looses from 1 to 1½ months during the average school year. They get into a new school district and our program will help them for 1 year. The Federal law says we can only serve those youngsters who have moved within the last 12 months. It is not very realistic. The child doesn't really catch up with the settled kid in 12 months, but that is what the law says and we have to comply with the law.

Senator HATHAWAY. Thank you very much for pointing out the particular problem. We will certainly give it consideration. We realize migrant children have problems different from the ones who reside here all year.

Our last witnesses for the day are Mr. Floyd McGlinn, supervisor of the Oregon State Employment Division, and Mr. Ernest F. La Palm of the Washington State Employment Security Commission.

Did Mr. Gardner come also?

Mr. MCGLINN. No, sir.

Senator HATHAWAY. Gentlemen, your entire statement will be made a part of the record at the conclusion of your testimony and, if you will summarize, we would appreciate it very much.

I understand both of you are in favor of amending the law to allow children under 12 to work in the strawberry harvest.

Mr. MCGLINN. Yes.

Senator HATHAWAY. What are the principal factors on which you base this?

STATEMENT OF FLOYD McGLINN, SUPERVISOR, OREGON STATE EMPLOYMENT DIVISION; ACCOMPANIED BY ERNEST F. LA PALM, WASHINGTON STATE EMPLOYMENT SECURITY COMMISSION

Mr. MCGLINN. I am Floyd McGlinn, supervisor of the Oregon State Employment Division.

Of the statistics I have presented to you, I won't go into them because they are pretty much in depth. Most of them have been covered in one form or another by the other speakers.

Briefly, the under 12 prior to the injunction which halted the ban on the under-12 workers in Oregon, we had 85 youngsters reported as of the 15th of June as working. After the injunction on our June 28 report we had 3,960. In this period of time, of course, we were closer to our peak strawberry harvest and naturally there would be more people working, but I think this does show, if we have to cut the under-12's off, there are roughly 4,000 youngsters that would be out of work.

When we recruit, and I wasn't going to cover the platoon system, which is one of our prime methods of covering the harvest, it is briefly outlined in my testimony here.

When we recruit through the schools, we have always tried to keep the age up as high as we could. We concentrate on the sixth grade and up, which would be roughly 12 years of age and over. In a few cases there are some 11-year-olds in that bracket. We found, in going through the registration, and we have a regular registration form for the youngsters which is different from the adults, a third of the kids are under 12 in spite of the fact we do try to concentrate above that.

This would be our concern, how do you replace 4,000 people?

Senator HATHAWAY. Your testimony indicated the wage rate must be raised 25 percent, does that gibe with your figures, to have any increase in the number of adults who would come into the area to take the place of the children?

Mr. MCGLINN. I wouldn't know. I would be purely guessing on that.

One of the things you run into in most areas—the farm labor camps are going out very rapidly. For adults to come into some of these areas, there would have to be housing. That is another thing. Housing is going out and not coming in.

Mrs. GREEN. Could I ask one question?

Senator HATHAWAY. Yes.

Mrs. GREEN. How many labor camps are there as of now for strawberry pickers?

Mr. MCGLINN. That is a really tough one. We operated under three different sets of regulations, the Secretary of Labor's, OSHA's, and the State health department's regulations. We currently are trying to arrive at a happy median between State OSHA regulations and get

them approved and operating, but, as of now, the Employment Service operates under the Secretary of Labor's regulation, which has put us out of business.

To bring people in from out of State, the housing has to meet the regulations and most housing will not meet it, so actually state OSHA does do the inspecting but, as was mentioned this morning, they will not do preoccupancy inspection. This is just regulations.

Mrs. GREEN. Do you know of labor camps in the Multnomah, Washington, Clackamas County areas for strawberry pickers?

Mr. MCGLINN. In Multnomah practically none exist; Washington County has some. I was interested in the previous testimony because you have one apple in the barrel that is bad.

In 1968 I would say there would have been 100 farm labor camps.

Mrs. GREEN. They are almost all gone?

Mr. MCGLINN. No; you have quite a few yet, but I mean you have one instance of violation and many, many camps.

Mrs. GREEN. In 1968.

Mr. MCGLINN. Yes. The same person, we had a complaint on him this year and the Bureau of Labor and Federal Wage and Hour investigated him and the housing was inspected and approved by the county sanitary department.

[The prepared statement of Mr. McGlinn with attachments follows:]

Floyd McClinn
Supervisor, EMS
State of Oregon
EMPLOYMENT DIVISION
Department of Human Resources

I. My testimony, as requested, concerns the make-up of the labor force which harvests strawberries and comparable crops that traditionally have utilized the services of children under 12 years of age in Oregon.

A. Attached tables. Table No. 1, Willamette Valley Strawberry Harvest Employment, 1972-1974 (pages 1-3) depicts comparative statistics for each of the 9 counties comprising the Willamette Valley area and area totals for the given years.

B. Table No. 1 B (page 4) Willamette Valley Strawberry Acreage and Employment, 1970-1974, concerns acreage and employment trends during the given years.

C. Table No. 2, Strawberry Harvest Employment, Table No. 3, Raspberry Harvest Employment and Table No. 4, Pole Bean Harvest Employment detail comparative data on growers, acreages and employment data in these three crops that traditionally have employed children under 12 years of age.

II. I would like to briefly cover some of the contents of the attached tables, explain the platoon system as used in Oregon and then respond to questions from the committee.

A. Table No. 1, Page 1, shows comparative data on employment in strawberries before (June 15, 1974) and after (June 28, 1974) the court injunction which halted the ban on employment of children under 12 years of age.

- Still on page 1, overall employment on June 15 was 11,610 with 85 under 12 years of age. On June 28 the overall employment was 21,400 and 3,960 were under age 12. These figures graphically demonstrate the effect of this legislation on the under 12 age group. Some of the change is due, of course, to the overall increase in employment as the strawberry harvest neared its peak.

B. Pages 2 and 3 give comparative data for June 1973 and June 1972.

C. The two right-hand columns provide Unemployment data at the time of the harvest. It should be noted unemployment figures relate to those workers 16 years of age and older. The state rate of unemployment was 6.2 percent, the current rate is 7.1 percent.

D. The June issue of Oregon's Labor Force Trends stated "Normally in June the employment of agricultural workers (16 years and older) increases about 40 percent over the May level. This year the June increase in agriculture was only 18.5 percent, correspondingly, food and kindred products only increased 14.8 percent over the month, compared to a normal June increase of nearly a third. Gains in wood products were also less than seasonally expected -- as a result, Oregon's seasonally adjusted unemployment rate rose to 6.2 percent in June from 6.1 percent in May -- well above the 5.2 percent of June 1973."

E. Page 4 compares strawberry acreage and employment data 1970 through 1974. Due to the late crop in 1974, peak harvest occurred closer to the June 28th report period than the June 15 report. The June 28 report listed total employment at 31,400, local 28,845 (91.9 percent) and migratory at 2,555 (8.1 percent).

F. Tables Nos. 2, 3 & 4 give comparative data (1971-1974) on the three primary crops utilizing the services of children under 12 years of age. The information relates to growers, acreage and employment by source and age group. These tables are provided because of interest shown in source of workers for harvest work in strawberries and comparable crops.

III. Platoon System. As used in Oregon probably unique to Oregon and Washington. It developed from the "day-haul system" and the need for more pickers as acreages increased. Rather than mix children with adults at central pick-up points and leave them pretty much on their own in the day-haul program, the platoon idea provides adult supervision from pick-up point until return. Bus routes are an established part of the platoon system enabling children to be picked up and returned relatively close to their homes. Children are thus not required to assemble in conglomerate gathering places needed for day-haul centers.

A. Size varies from 30 to 60 workers -- average 50 workers. Average 6 hours per day -- 6 days per week. Paid on piece-rate basis -- 6¢ to 8¢ per lb. or 85¢ to $1.00 per flat (12 hallocks, about 15 lbs.)

B. Leaders are housewives, school teachers, school bus drivers and

college students.

C. Wages $20 to $35 per day depending on duties -- many also drive bus. (PL)

D. Platoons are recruited and supervised by platoon leaders. ES assists in recruiting and referring workers. Platoon leaders recruit from all sources while the ES works through the schools, primarily 6th grade through junior high and aimed at the 12 year and older group. However, about one-third of those willing to work are under 12 years of age with very few under 10 years of age.

Many platoons become on-going established units with the same leader year-after-year.

STATE OF OREGON
EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

Research and Statistics
Table No. 1

WILLAMETTE VALLEY STRAWBERRY HARVEST EMPLOYMENT*

Total Labor Force Data 1/

June 15, 1974

County	Employment	Under 12 yrs.	% Under 12 yrs.	Rept'd Shortages	Acreage	By Place of Residence Unemp. Rate	Unemp. 16 yrs. & older
Linn	840	15	1.8	0	210	8.0	2,800
Benton	430	5	1.2	0	108	6.9	1,790
Lane	750	0	0	0	165	7.9	8,750
Washington	6,105	65	1.1	0	2,333	-	-
Yamhill	795	0	0	0	433	9.4	1950
Clackamas	250	0	0	0	522	-	-
Multnomah	315	0	0	0	828	-	-
Marion & Polk	2,125	0	0	0	1,580	8.5	8,000
Willamette Valley Total	11,610	85	0.7	0	6,179	-	-

June 28, 1974

Linn	1,010	80	7.9	0	215	
Benton	670	70	10.4	Finishing	108	
Lane	800	100(E)	12.5	0	165	
Washington	11,100	1,440	13.0	200	2,333	(Same as Above)
Yamhill	1,980	375	18.9	0	433	
Clackamas	3,215	195	6.1	0	522	
Multnomah	5,235	480	9.1	0	828	
Marion & Polk	7,390	1,220	16.5	0	1,580	
Willamette Valley Total	31,400	3,960	12.6	200	6,184	

*Harvest employment data shown here indicate the level of employment on a single date of the survey only and do not necessarily show either peak or average employment for the month. Because of the many variables involved, such as weather, crop maturity, availability of workers and market influence, employment fluctuates continually and at times widely.

Labor Force Data--Unemployed persons comprise all persons 16 years of age and older who did not work during the survey week including the 12th of the month.

(E) No Survey taken--employment estimated

1/ Labor Force data for Multnomah, Washington, Clackamas and Clark County Washington are combined to make the Portland Standard Metropolitan Statistical Area (SMSA) total. The total number of unemployed for the Portland SMSA for the June 1974 period was 32,400. This represented 5.2 percent of the total labor force.

-1-

STATE OF OREGON
EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

Research and Statistics
Table No. 1

WILLAMETTE VALLEY STRAWBERRY HARVEST EMPLOYMENT

Total Labor Force Data 1/

June 15, 1973

County	Employment	Under 12 yrs.	%Under 12 yrs.	Rept'd Shortages	Acreage	By Place of Residence Unemp. Rate	Unemp. 16 yrs. & older
Linn	1,830	270	14.8	0	234	6.9	2,300
Benton	795	25	3.1	0	116	6.3	1,580
Lane	965	305	31.6	0	300	6.5	7,050
Washington	17,105	2,100	12.3	0	2,721	-	-
Yamhill	2,425	555	22.9	"slight"	430	8.0	1,660
Clackamas	4,555	1,060	23.3	0	512	-	-
Multnomah	5,000	565	11.3	0	783	-	-
Marion & Polk	5,830	1,010	17.3	0	1,528	6.7	6,300
Willamette Valley Total	38,505	5,890	15.3	0	6,624		

June 29, 1973

Linn	225	30(E)	13.3	0	234	
Benton	200	25(E)	12.5	0	116	
Lane	0	0	0	0	300	
Washington	4,365	625	14.3	0	2,721	(Same as Above)
Yamhill	75	10	13.3	complete	430	
Clackamas	475	60	12.6	finishing	512	
Multnomah	2,915	165	5.7	0	783	
Marion & Polk	1,845	400	21.2	100	1,528	
Willamette Valley Total	10,410	1,315	13.0	100	6,624	

*Harvest employment data shown here indicate the level of employment on a single date of the survey only and do not necessarily show either peak or average employment for the month. Because of the many variables involved, such as weather, crop maturity, availability of workers and market influence, employment fluctuates continually and at times widely.

Labor Force Data--Unemployed persons comprise all persons 16 years of age and older who did not work during the survey week including the 12th of the month.

(E) No Survey taken--employment estimated

1/ Labor Force data for Multnomah, Washington, Clackamas and Clark County Washington are combined to make the Portland Standard Metropolitan Statistical Area (SMSA) total. The total number of unemployed for the Portland SMSA for the June 1973 period was 27,900. This represented 5.5 percent of the total labor force.

-2-

STATE OF OREGON
EMPLOYMENT DIVISION
OREGON STATE EMPLOYMENT SERVICE
DEPARTMENT OF HUMAN RESOURCES

Research and Statistics
Table No. 1

WILLAMETTE VALLEY STRAWBERRY HARVEST EMPLOYMENT

June 15, 1972

County	Employment	Under 12 yrs	%Under 12 yrs.	Rept'd Shortages	Acreage	Total Labor Force Data 1/ By Place of Residence June Unemp. Rate	Unemp. 16 yrs. & older
Linn	2,670	470	17.6	0	364	7.3	2,380
Benton	535	25	4.7	0	159	7.3	1,760
Lane	980	410	41.8	0	316	7.3	7,500
Washington	14,090	1,890	13.4	150	2,185	-	-
Yamhill	3,060	605	19.8	25	612	8.0	1,600
Clackamas	4,345	915	21.1	"slight"	580	-	-
Multnomah	5,250	605	11.5	100	802	-	-
Marion & Polk	8,670	1,140	13.1	100	1,922	7.1	6,500
Willamette Valley Total	39,600	6,060	15.3	375	6,940		

June 15, 1971

Linn	1,525	130(E)	8.5	0	628	8.3	2,550
Benton	715	65	9.1	0	181	6.8	1,600
Lane	620	135	21.8	0	348	8.0	7,700
Washington	10,270	1,105	10.8	0	3,158	-	-
Yamhill	2,770	400	14.4	0	858	9.3	1,730
Clackamas	2,565	480	18.7	0	793	-	-
Multnomah	2,170	185	8.5	0	763	-	-
Marion & Polk	7,715	1,255	16.3	0	3,021	8.2	7,000
Willamette Valley Total	28,350	3,755	13.2		9,780		

*Harvest employment data shown here indicate the level of employment on a single date of the survey only and do not necessarily show either peak or average employment for the month. Because of the many variables involved, such as weather, crop maturity, availability of workers and market influence, employment fluctuates continually and at times widely.

Labor Force Data--Unemployed persons comprise all persons 16 years of age and older who did not work during the survey week including the 12th of the month.

(E) No Survey taken--employment estimated

1/ Labor Force data for Multnomah, Washington, Clackamas and Clark County Washington are combined to make the Portland Standard Metropolitan Statistical Area (SMSA) total. The total number of unemployed for the Portland SMSA for the June 1972 period was 31,300 and 33,600 for June 1971. These totals represented 6.4 percent and 7.2 percent of their respective total labor force.

STATE OF OREGON
EMPLOYMENT DIVISION

Research and Statistics
Table No. 1

WILLAMETTE VALLEY STRAWBERRY ACREAGE & EMPLOYMENT

	Acreage	Employment	Local Workers	Percentage	Migratory workers	Percentage
June 15, 1974	6,179	11,619	10,375	89.4	1,235	10.6
June 15, 1973	6,634	38,505	35,355	91.8	3,150	8.2
June 15, 1972	6,940	39,600	36,305	91.7	3,295	8.3
June 15, 1971	9,780	28,350	24,170	85.3	4,180	14.7
June 15, 1970	10,548	46,305	39,820	86.0	6,485	14.0

STATE OF OREGON
EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

Research and Statistics
Table No. 2

STRAWBERRY HARVEST EMPLOYMENT
WILLAMETTE VALLEY, OREGON
June 28, 1974

Local Office Area	Number of Growers	Acreage	Total	Local	Migratory		11 yrs. & Under	Age 12 & 13	Age 14 & 15	16 yrs. & Over
					Intra	Inter				
Albany	15	147	910	700	70	120	70	340	278	215
Corvallis	9	139	670	670	0	0	40	320	235	45
Eugene	16	159	800	800	0	0	100E	310E	210E	180E
Hillsboro	148	2,933	11,100	9,180	180	1,740	1,440	3,815	7,905	2,460
Lebanon	3	66	100	100	0	0	10E	40E	25E	25E
McMinnville	91	433	1,990	1,735	115	130	375	795	480	340
Oregon City	46	522	3,215	3,175	0	40	195	1,140	915	765
Portland	14	594	3,855	3,855	0	0	385	2,215	730	415
Gresham	15	284	1,380	1,380	0	0	95	605	480	200
Salem	123	1,530	7,390	7,150	20	220	1,220	2,230	2,070	1,870
Willamette Valley Total	427	6,184	31,400	28,845	385	2,220	3,960	12,110	8,325	7,005

Total employment, number of migratory workers, and age distribution were calculated from data collected from agricultural employers on the date of the employment survey. The selection of the sample to be surveyed was made on a simple random sample basis and the totals obtained in the survey were expanded to obtain area totals on the basis of acreages involved. Sample surveys are generally not made unless employment in a single crop activity reaches 500 or more within the local office administrative area.

Data shown here indicate the level of employment on a single date of the survey only and do not necessarily show either peak or average employment for the month. Because of the many variables involved, such as weather, crop maturity, availability of workers, and market influence, employment fluctuates continually and at times widely.

E - Numbers Estimated

STATE OF OREGON
EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

Research and Statistics
Table No. 2

STRAWBERRY HARVEST EMPLOYMENT
WILLAMETTE VALLEY, OREGON
June 15, 1974

Local Office Area	Number of Growers	Acreage	Total	Local	Migratory Intra	Migratory Inter	11 yrs. & Under	Age 12 & 13	Age 14 & 15	16 yrs. & Over
Albany	15	142	640	510	20	110	15	255	215	155
Corvallis	9	108	430	430	0	0	5	250	125	50
Eugene	18	165	750	750	0	0	0	230	320	195
Hillsboro	149	2,333	6,105	5,200	100	805	65	2,485	1,945	1,610
Lebanon	9	68	200	200	0	0	0	110	75	5
McMinnville	31	433	796	650	0	146	0	335	250	210
Oregon City	46	522	250	250	0	0	0	110	85	55
Portland	14	564	0	0	0	0	0	0	0	0
Gresham	15	264	315	315	0	0	0	70	95	150
Salem	129	1,584	2,125	2,070	50	5	0	1,160	730	235
Willamette Valley Total	427	6,179	11,610	10,375	170	1,065	85	5,015	3,845	2,665

Total employment, number of migratory workers, and age distribution were calculated from data collected from agricultural employers on the date of the employment survey. The selection of the sample to be surveyed was made on a simple random sample basis and the totals obtained in the survey were expanded to obtain area totals on the basis of acreages involved. Sample surveys are generally not made unless employment in a single crop activity reaches 500 or more within the local office administrative area.

Data shown here indicate the level of employment on a single date of the survey only and do not necessarily show either peak or average employment for the month. Because of the many variables involved, such as weather, crop maturity, availability of workers, and market influence, employment fluctuates continually and at times widely.

181

191

STATE OF OREGON
EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

Research and Statistics
Table No. 2

STRAWBERRY HARVEST EMPLOYMENT
WILLAMETTE VALLEY, OREGON
June 15, 1973

Local Office Area	Number of Growers	Acreage	Total	Local	Migratory Intra	Migratory Inter	11 yrs. & Under	Age 12 & 13	Age 14 & 15	16 yrs. & Over
Albany	18	196	1,040	760	225	55	145	365	150	380
Corvallis	11	116	795	795	0	0	25	370	315	85
Eugene	23	300	965	965	0	0	305	275	235	150
Hillsboro	175	2,721	17,105	14,920	60	2,125	2,100	6,725	4,440	3,840
Lebanon	9	78	790	790	0	0	125	335	250	80
McMinnville	36	430	2,425	1,905	65	365	555	725	550	595
Oregon City	56	512	4,555	4,485	5	65	1,060	1,700	925	870
Portland	14	479	2,780	2,780	0	0	340	1,660	510	270
Salem	142	1,528	5,830	5,645	45	140	1,010	1,405	1,410	2,005
Gresham	19	304	2,220	2,220	0	0	225	1,055	530	410
Willamette Valley Total	503	6,624	38,505	35,355	400	2,750	5,890	14,615	9,315	8,685

Total employment, number of migratory workers, and age distribution were calculated from data collected from agricultural employers on the date of the employment survey. The selection of the sample to be surveyed was made on a simple random sample basis and the totals obtained in the survey were expanded to obtain area totals on the basis of acreages involved. Sample surveys are generally not made unless employment in a single crop activity reaches 500 or more within the local office administrative area.

Data shown here indicate the level of employment on a single date of the survey only and do not necessarily show either peak or average employment for the month. Because of the many variables involved, such as weather, crop maturity, availability of workers, and market influence, employment fluctuates continually and at times widely.

182

192

STATE OF OREGON
EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

Research and Statistics
Table No. 2

STRAWBERRY HARVEST EMPLOYMENT
WILLAMETTE VALLEY, OREGON
June 15, 1972

Local Office Area	Number of Growers	Acreage	Total	Migratory			11 yrs. & Under	Age 12 & 13	Age 14 & 15	16 yrs. & Over
				Local	Intra	Inter				
Albany	29	251	1,655	945	260	450	245	530	495	385
Corvallis	11	159	535	530	0	5	25	240	180	90
Eugene	25	316	980	960	0	20	410	220	170	180
Hillsboro	186	2,185	14,090	11,420	45	625	1,840	4,945	3,915	3,340
Lebanon	12	113	1,015	1,015	0	0	225	445	270	75
McMinnville	46	612	3,060	2,940	65	425	600	1,115	650	650
Oregon City	56	580	3,345	1,955	15	375	515	1,315	865	1,250
Portland	10	434	2,480	2,480	0	0	355	1,250	615	260
Tigard	24	368	2,770	2,755	0	15	250	1,065	870	585
Salem	176	1,922	8,670	7,709	245	730	1,140	2,930	2,960	2,920
Willamette Valley Total	581	6,940	39,600	34,309	620	2,675	6,060	13,055	10,455	9,130

Total employment, number of migratory workers, and age distribution were calculated from data collected from agricultural employers on the date of the employment survey. The selection of the sample to be surveyed was made on a simple random sample basis and the totals obtained in the survey were expanded to obtain area totals on the basis of acreages involved. Sample surveys are generally not made unless employment in a single crop activity reaches 500 or more within the local office administrative area.

Data shown here indicate the level of employment on a single date of the survey only and do not necessarily show either peak or average employment for the month. Because of the many variables involved, such as weather, crop maturity, availability of workers, and market influence, employment fluctuates continually and at times widely.

183
1963

STATE OF OREGON
EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

Research and Statistics
Table No. 2

STRAWBERRY HARVEST EMPLOYMENT
WILLAMETTE VALLEY, OREGON
June 15, 1971

Local Office Area	Number of Growers	Acreage	Total	Migratory			11 yrs. & Under	Age 12 & 13	Age 14 & 15	16 yrs. & Over
				Local	Intra	Inter				
Albany	43	494	850	335	0	515	40	115	160	515
Corvallis	19	181	715	695	20	0	65	295	235	120
Eugene	30	398	620	620	0	0	135	165	170	150
Hillsboro	225	3,156	10,270	8,980	400	890	1,105	3,620	3,385	1,960
Lebanon	13	114	675	675	0	0	90E	245E	185E	155E
McMinnville	49	838	2,770	2,003	402	365	400	965	850	555
Oregon City	72	793	2,565	2,565	0	0	480	840	555	690
Portland	18	450	750	750	0	0	110	240	220	185
Gresham	18	313	1,420	1,415	0	5	75	775	305	265
Salem	253	3,021	7,715	6,130	0	1,585	1,255	2,800	1,770	1,890
Willamette Valley Total	736	9,780	28,350	24,170	820	3,360	3,755	10,275	7,855	6,465

E - Numbers Estimated

Total employment, number of migratory workers, and age distribution were calculated from data collected from agricultural employers on the date of the employment survey. The selection of the sample to be surveyed was made on a simple random sample basis and the totals obtained in the survey were expanded to obtain area totals on the basis of acreages involved. Sample surveys are generally not made unless employment in a single crop activity reaches 500 or more within the local office administrative area.

Data shown here indicate the level of employment on a single date of the survey only and do not necessarily show either peak or average employment for the month. Because of the many variables involved, such as weather, crop maturity, availability of workers, and market influence, employment fluctuates continually and at times widely.

181
194

44-918 O - 75 - 14

STATE OF OREGON
EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

Research and Statistics
Table No. 3

RASPBERRY HARVEST EMPLOYMENT
WILLAMETTE VALLEY, (SELECTED AREAS) OREGON
July 15, 1974

Local Office Area	Number of Growers	Acreage	Total	Local	Migratory		11 yrs. & Under	Age 12 & 13	Age 14 & 15	16 yrs. & Over
					Intra	Inter				
Albany	7	50	0							
Corvallis	2	40	0							
Eugene	6	39	50							
Hillsboro	81	807	740	715	10	15	35	180	325	200
Lebanon	15	112	330	330	0	0	0	105	100	125
McMinnville	13	190	100							
Oregon City	96	1,749	1,865	1,670	100	95	0	440	555	870
Portland	2	17	50							
Gresham	45	607	3,325	3,325	0	0	10	1,525	1,085	705
Salem	20	100	100							
Areas Not Surveyed	50	436	300							
Willamette Valley Total	287	3,761	6,560							

Total employment, number of migratory workers, and age distribution were calculated from data collected from agricultural employers on the date of the employment survey. The selection of the sample to be surveyed was made on a simple random sample basis and the totals obtained in the survey were expanded to obtain area totals on the basis of acreages involved. Sample surveys are generally not made unless employment in a single corp activity reaches 500 or more within the local office administrative area.

Data shown here indicate the level of employment on a single date of the survey only and do not necessarily show either peak or average employment for the month. Because of the many variables involved, such as weather, crop maturity, availability of workers, and market influence, employment fluctuates continually and at times widely.

STATE OF OREGON
EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

RASPBERRY HARVEST EMPLOYMENT
WILLAMETTE VALLEY (SELECTED AREAS), OREGON
July 19, 1973

Local Office Area	Number of Growers	Acreage	Total	Migratory		11 yrs. & Under	Age 12 & 13	Age 14 & 15	16 yrs. & Over
				Local	Intra	Inter				
Hillsboro	105	935	1,140	1,085	0	55	140	310	430	300
Oregon City	104	1,948	1,570	1,535	10	25	150	370	320	730
Gresham	47	636	1,370	1,370	0	0	70	600	460	240
Areas Not Surveyed	54	440	490							
WILLAMETTE VALLEY TOTAL	310	3,949	4,570							

Total employment, number of migratory workers, and age distribution were calculated from data collected from agricultural employers on the date of the employment survey. The selection of the sample to be surveyed was made on a simple random sample basis and the totals obtained in the survey were expanded to obtain area totals on the basis of acreages involved. Sample surveys are generally not made unless employment in a single crop activity reaches 500 or more within the local office administrative area.

Data shown here indicate the level of employment on a single date of the survey only and do not necessarily show either peak or average employment for the month. Because of the many variables involved, such as weather, crop maturity, availability of workers, and market influence, employment fluctuates continually and at times widely.

STATE OF OREGON
EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

Research and Statistics
Table No. 3

RASPBERRY HARVEST EMPLOYMENT
WILLAMETTE VALLEY (SELECTED AREAS), OREGON
July 15, 1972

Local Office Area	Number of Growers	Acreage	Total	Local	Migratory Intra	Migratory Inter	11 yrs. & Under	Age 12 & 13	Age 14 & 15	16 yrs. & Over
Hillsboro	115	1,200	3,290	2,820	5	465	225	800	1,420	845
Oregon City	100	1,867	2,505	2,285	140	80	335	630	485	1,055
Gresham	49	774	3,195	3,195	0	0	435	980	1,035	745
Areas not surveyed	83	650	1,145							
Willamette Valley Total	347	4,491	10,135							

Total employment, number of migratory workers, and age distribution were calculated from data collected from agricultural employers on the date of the employment survey. The selection of the sample to be surveyed was made on a simple random sample basis and the totals obtained in the survey were expanded to obtain area totals on the basis of acreages involved. Sample surveys are generally not made unless employment in a single crop activity reaches 500 or more within the local office administrative area.

Data shown here indicate the level of employment on a single date of the survey only and do not necessarily show either peak or average employment for the month. Because of the many variables involved, such as weather, crop maturity, availability of workers, and market influences, employment fluctuates continually and at times widely.

187
187

STATE OF OREGON
EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

Research and Statistics
Table No. 3

RASPBERRY HARVEST EMPLOYMENT
WILLAMETTE VALLEY, OREGON
July 15, 1971

Local Office Area	Number of Growers	Acreage	Total	Local	Migratory Intra	Migratory Inter	11 yrs. & Under	Age 12 & 13	Age 14 & 15	16 yrs. & Over
Oregon City	98	1,935	4,250	3,250	0	1,000	240	1,875	1,225	910
Oresham	50	784	3,770	3,740	0	30	255	1,325	980	1,310
Salem	20	141	465	345	0	120	45	125	90	205
Areas Not Surveyed	202	1,903	4,265							
Willamette Valley Total	370	4,763	12,750							

Total employment, number of migratory workers, and age distribution were calculated from data collected from agricultural employers on the date of the employment survey. The selection of the sample to be surveyed was made on a simple random sample basis and the totals obtained in the survey were expanded to obtain area totals on the basis of acreages involved. Sample surveys are generally not made unless employment in a single crop activity reaches 500 or more within the local office administrative area.

Data shown here indicate the level of employment on a single date of the survey only and do not necessarily show either peak or average employment for the month. Because of the many variables involved, such as weather, crop maturity, availability of workers, and market influence, employment fluctuates continually and at times widely.

186

STATE OF OREGON
EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

Research and Statistics
Table No. 4

POLE BEAN HARVEST EMPLOYMENT
WILLAMETTE VALLEY, (SELECTED AREAS) OREGON
August 15, 1974

Local Office Area	Number of Growers	Acreage	Total	Migratory			11 yrs. & Under	Age 12 & 13	Age 14 & 15	16 yrs. & Over
				Local	Intra	Inter				
Albany	6	123	445							
Corvallis	0	0	0							
Eugene	21	560	6,225	6,225	0	0	0	1,697	2,710	1,818
Hillsboro	0	0	0							
Lebanon	0	0	0							
McMinnville	2	40	295	295	0	0	0	105	100	90
Oregon City	2	35	0							
Portland	0	0	0							
Gresham	1	10	110	110	0	0	0	23	32	55
Salem	21	438	1,730	1,380	20	330	55	365	465	845
Areas Not Surveyed	6	123	445							
Willamette Valley Total	54	1,231	8,805							

Total employment, number of migratory workers, and age distribution were calculated from data collected from agricultural employers on the date of the employment survey. The selection of the sample to be surveyed was made on simple random sample basis and the totals obtained in the survey were expanded to obtain area totals on the basis of acreages involved. Sample surveys are generally not made unless employment in a single crop activity reaches 500 or more within the local office administrative area.

Data shown here indicate the level of employment on a single date of the survey only and do not necessarily show either peak or average employment for the month. Because of the many variables involved, such as weather, crop maturity, availability of workers, and market influence, employment fluctuates continually and at times widely.

199
189

STATE OF OREGON
EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

Research and Statistics
Table No. 4

SNAP BEAN HARVEST EMPLOYMENT
WILLAMETTE VALLEY, OREGON
August 15, 1973

Local Office Area	Number of Growers	Acreage	Total	Migratory: Local	Migratory: Intra	Migratory: Inter	11 yrs. & Under	Age 12 & 13	Age 14 & 15	16 yrs. & Over
Albany	8	250	1,195	1,075	55	65	100	290	460	345
Eugene	20	638	2,220	2,220	0	0	735	900	420	165
Hillsboro	10	45	190	190	0	0	10	55	85	40
Lebanon	4	81	465	465	0	0	75	130	145	115
Gresham	2	37	350	350	0	0	5	80	105	160
Portland	1	50	210	210	0	0	20	100	50	40
Salem	40	647	2,970	2,795	0	175	250	820	850	1,050
Areas Not Surveyed	9	207	580							
Willamette Valley Total	94	1,955	8,180							

Total employment, number of migratory workers, and age distribution were calculated from data collected from agricultural employers on the date of the employment survey. The selection of the sample to be surveyed was made on a simple random sample basis and the totals obtained in the survey were expanded to obtain area totals on the basis of acreages involved. Sample surveys are generally not made unless employment in a single crop activity reaches 500 or more within the local office administrative area.

Data shown here indicate the level of employment on a single date of the survey only and do not necessarily show either peak or average employment for the month. Because of the many variables involved, such as weather, crop maturity, availability of workers, and market influence, employment fluctuates continually and at times widely.

190
200

STATE OF OREGON
EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

Research and Statistics
Table No. 4

POLE BEAN HARVEST EMPLOYMENT
WILLAMETTE VALLEY, OREGON
August 15, 1972

Local Office Area	Number of Growers	Acreage	Total	Local	Migratory Intra	Migratory Inter	11 yrs. & Under	Age 12 & 13	Age 14 & 15	16 yrs. & Over
Albany	11	376	1,605	1,050	260	295	160	425	225	795
Corvallis	4	74	348	348	0	0	25	188	114	21
Eugene	30	813	2,767	2,765	0	2	930	713	635	489
Hillsboro	8	195	894	674	0	220	19	238	369	268
Lebanon	7	215	1,308	1,308	0	0	150	792	236	130
McMinnville	11	292	600	580	0	20	59	194	150	197
Oregon City	5	142	490	440	0	50	51	109	140	140
Gresham	2	52	410	395	0	15	30	88	162	130
Portland	1	70	570	570	0	0	125	225	150	70
Salem	52	874	3,997	3,574	51	372	401	1,038	1,082	1,476
Willamette Valley Total	131	3,103	12,989	11,704	311	974	1,950	4,010	3,313	3,716

Total employment, number of migratory workers, and age distrib were calculated from data collected from agricultural employers on the date of the employment survey. The selection of the sample to be surveyed was made on a simple random sample basis and the totals obtained in the survey were expanded to obtain area totals on the basis of acreages involved. Sample surveys are generally not made unless employment in a single crop activity reaches 500 or more within the local office administrative area.

Data shown here indicate the level of employment on a single date of the survey only and do not necessarily show either peak or average employment for the month. Because of the many variables involved, such as weather, crop maturity, availability of workers, and market influences, employment fluctuates continually and at times widely.

1971
201

STATE OF OREGON
EMPLOYMENT DIVISION
DEPARTMENT OF HUMAN RESOURCES

Research and Statistics
Table No. 4

POLE BEAN HARVEST EMPLOYMENT
WILLAMETTE VALLEY, OREGON
August 15, 1971

Local Office Area	Number of Growers	Acreage	Total	Local	Migratory Intra	Migratory Inter	11 yrs. & Under	Age 12 & 13	Age 14 & 15	16 yrs. & Over
Albany	18	453	2,435	1,380	545	510	275	565	725	870
Corvallis	9	205	1,310	1,080	10	20	125	520	495	170
Eugene	48	1,365	9,510	9,345	40	125	1,365	3,325	3,310	1,510
Hillsboro	14	353	1,485	970	45	470	105	375	480	525
Lebanon	8	257	1,910	1,725	20	165	95	495	485	835
McMinnville	19	558	2,370	1,850	285	235	300	765	800	505
Gresham	3	250	1,220	1,185	35	0	65	360	390	405
Salem	92	1,520	8,950	6,985	210	1,755	875	1,848	1,760	4,470
Areas not surveyed	12	307	1,190							
Willamette Valley Total	223	5,268	30,380							

Total employment, number of migratory workers, and age distribution were calculated from the data collected from agricultural employers on the date of the employment survey. The selection of the sample to be surveyed was made on a simple random sample basis and the totals obtained in the survey were expanded to obtain area totals on the basis of acreages involved. Sample surveys are generally not made unless employment in a single crop activity reaches 500 or more within the local office administrative area.

Data shown here indicate the level of employment on a single date of the survey only and do not necessarily show either peak or average employment for the month. Because of the many variables involved, such as weather, crop maturity, availability of workers, and market influence, employment fluctuates continually and at times widely.

1393
202

Senator HATHAWAY. Mr. La Palm.

STATEMENT OF ERNEST F. LA PALM, WASHINGTON STATE EMPLOYMENT SECURITY COMMISSION

Mr. LA PALM. Thank you, Senator Hathaway, and Representative Green.

I'll try to be as brief as I possibly can. I should mention in the beginning that I may be one of that rare minority of residents in the Northwest who never picked a strawberry in his life.

I have with me Tom Bell from my staff, who has had a considerable amount of experience over the years directly with respect to the operations of the employment security department in the harvesting of strawberries.

We are submitting for the record a letter that attempts to address a number of different questions that have been raised to us by Mr. Dunn. I will provide a copy of that with a number of attachments on different information we thought might be useful with respect to the harvesting of strawberries in Washington State.

To highlight a couple of points here, as we indicated this morning, the survey work we have done would indicate about 40 percent of the workers in the strawberry harvest in Whatcom and Skagit Counties, our principle area, are under 12 years of age. We should add to that the information that by and large these children are about 50 percent productive in relation to the older teenage workers, so that the elimination of the opportunity of children under 12 to work may mean perhaps, within the ballpark, a 20 percent decrease in productivity.

The unemployment rates do not seem to be really affected substantially by the utilization of children under 12 in the strawberry harvest. I think we can understand that judging from several comments that were made today about the short duration of the strawberry harvest. It is really not sufficient to have that kind of an impact.

Regularly unemployed industrial workers do not generally work in the strawberry harvest. I would think, the concern that was raised several times today about the effect on wages, the depressing of wages, by the children under 12, to me that seems to be a small trickle in the problem against the torrent of the illegal alien and the 5,000 illegal aliens we have in the State of Washington and the effect that has on the agricultural workers.

I would like to clarify slightly the position of the department on it. It is not across the board as an indictment of the law as it is. We certainly agree that legislation is necessary to protect the interest of children under 12 working in agriculture. While the problem may be far more minimal in the Northwest States, where it may be very small in relation to harvesting strawberries, I don't think it honest to say it is absolutely nonexistent, the kind of problems the law was intended to deal with.

Our experience is that, if adequate safeguards are employed, children 10 and 11 can work in harvesting activities such as strawberries with little or no risk to their health and well-being. But we underscore the point of our safeguards.

In our attachment we have listed a number of things we should be considering in the way of adequate safeguards for young people.

Senator HATHAWAY. Thank you very much.

Your figures indicate, as you said, that there aren't in the group of adults that are unemployed that many adults who would be willing to pick strawberries.

Mr. LA PALM. No.

Mrs. GREEN. I was interested in your reference to illegal aliens. My office has been doing work on this and the estimate now by the department is that there are between 5 and 15 million illegal aliens now in the United States.

Mr. LA PALM. It is certainly a problem that is growing in proportion every year. This year it was just fantastic.

Mrs. GREEN. There are thousands here in Oregon. I can get that figure. I think it is 23,000.

Senator HATHAWAY. Yes.

Mrs. GREEN. I agree with you that this has hardly any effect.

Mr. LA PALM. By comparison.

Senator HATHAWAY. You said there were some abuses.

Mr. LA PALM. My point is, I don't think it is fair to say this couldn't possibly happen in the Northwest States, which I gathered from some of the earlier statements that were made today, that it was nonexistent. If you take the position that a child 9 years old has never had a problem by virtue of being in an unsupervised situation in the strawberry harvest, that it never happens, this is just not realistic.

We have found that the growers in Washington have been, by and large, very cooperative in working with us and other governmental agencies to ensure adequate safeguards are maintained. We think that is important.

Senator HATHAWAY. By and large you would say there is not a problem in this regard?

Mr. LA PALM. No.

Senator HATHAWAY. As far as safety and sanitary conditions and so forth are concerned?

Mr. LA PALM. No; we would say it is a minimal problem, but it is not absolutely nonexistent either.

Mrs. GREEN. I think it also ought to be very clear for the record that every member of the Oregon delegation sponsored the regulation affirmatively that the laws ought to be enforced and the best possible conditions ought to exist. We are not suggesting we ignore that.

Senator HATHAWAY. Thank you very much.

Before we wind up, I would like to say that Congressman Ullman and Mr. Day of the Oregon Teamsters Union have submitted statements which will be made a part of the record.

I want to thank all of the witnesses for coming and I want to thank Congresswomen Green for her participation.

The record will stay open until the end of the year for anybody who wants to submit any additional evidence that might be helpful to the committee in making a complete record.

At this point I order printed the statements of Mr. Gilmour for Congressman Ullman, the statement of Mr. Day and all statements of those who could not attend and other pertinent material submitted for the record.

[The material referred to follows:]

Senate Committee on Labor and Public Welfare
The Honorable William D. Hathaway, presiding
Pioneer Court House
Portland, Oregon

December 6, 1974

Mr. Ullman asked me to extend his appreciation to the Senate for holding this hearing in Oregon. He well knows the time and effort you are putting forth in search of a solution to the threat to traditional summer job opportunities for many many Oregon families. Even though nationally this is not a major issue, it is very important in Oregon. The Congressman is most thankful for the Senator's willingness to make this long journey when the time pressures in Washington are most demanding.

Let me say that Mr. Ullman supports a solution which will allow Oregon children to continue to have summer employment without exploitation.

Our office has had numerous communications from interested children and their parents.

It is appropriate for the Senate to take the lead in finding a workable solution. Mr. Ullman will be supporting such a solution in the House and has submitted testimony to the general labor subcommittee in the House.

Statement submitted for Congressman Al Ullman by:

Gayle Gilmour
District Administrative Asst.

STATEMENT OF L.B. DAY, Political Director

Presented to the U.S. Senate Labor Subcommittee
at its Public Hearing on the Child Labor Provisions
of the Fair Labor Standards Act.

Portland, Oregon
December 6, 1974

Gentlemen:

Be advised that the Joint Council of Teamsters No. 37 strongly supports the opportunity for young people to work in harvesting the crops in the Willamette Valley of Oregon.

This work has always been available and is a method by which young people have been able to buy school clothes, afford some spending money, and learn a valuable work ethic which is so important in our society today.

Again, I would appreciate the Committee recommending that areas which have shown responsibility in the use of children working in the harvesting of crops be allowed to continue to do so.

Thank you for the opportunity to address the Committee.

SACRAMENTO ADDRESS
Room 3104
STATE CAPITOL
95814
Tel. (916) 445-8994

DISTRICT OFFICE
STATE BUILDING, ROOM 1048
350 McALLISTER STREET
SAN FRANCISCO, CA 94102
Tel. (415) 557-3043

LOS ANGELES OFFICE
107 S. BROADWAY, Room 6060
LOS ANGELES, CA 90012
Tel. (213) 620-2550

Assembly
California Legislature

LEO T. McCARTHY
SPEAKER OF THE ASSEMBLY

RECEIVED
DEC 27 1974
SUBCOMMITTEE

December 17, 1974

The Honorable Harrison Williams, Chairman
Senate Committee on Labor and Public Welfare
4230 N. Senate Office Building
Washington, D. C. 20202

Dear Senator Williams:

It has recently come to my attention that efforts are underway to amend the provisions of the Fair Labor Standards Act, which outlaws the employment of minors in agriculture under the age of 12 years.

For the last 25 years, California law has prohibited the employment of minors under 12 in agriculture except in situations on family farms where children are under the direct supervision of their parents. Although California law would still prevail should these efforts be successful, I am very concerned with the serious implications this amendment would have nationwide.

Testimony received by the Assembly Labor Relations Committee last year during hearings held on child labor revealed that migrant children were being exposed to serious hazards due to heavy machinery and pesticides which, on many occasions, have resulted in physical injury and death. In addition, because of the exemptions in federal law, these children are often the victims of very low wages.

By allowing children to compete in the job market, we are contributing to our depressed economy. At a time when the national unemployment rate has risen to such alarming proportions, it is obvious that every effort should be made to make employment opportunities available.

In addition, the employment of children seriously inhibits the efforts underway to improve the plight of agricultural workers through the collective bargaining process.

Although California produces 20% of the nation's agricultural products, we have not found it necessary to employ minors under 12 in order to harvest our crops. It would appear that other states would have similar capabilities.

As a result of our two interim hearings on child labor, I introduced Assembly Bill 3244 (copy attached), which passed the Legislature but was vetoed by Governor Reagan. This legislation would have increased the penalties for violators of child labor laws by imposing civil penalties up to $5,000 for the more serious violations. It should be noted that agricultural associations throughout California did not oppose this legislation because in their estimation only a small percentage of California farmers are involved in these practices. I am confident that this legislation will be enacted into law this year. An analysis is enclosed for your information.

It is my hope that the Senate Committee on Labor and Public Welfare will carefully consider the serious implications of this proposed amendment with particular regard to the health and safety of children, as well as its effect on the nation's economy.

I shall be pleased to provide the Committee with any further information that will assist in their deliberations.

Cordially,

Leo McCarthy

Leo T. McCarthy

cc: Senator Jacob Javits
Minority Chairman
Members, Senate Committee on Labor and Public Welfare
Senator Alan Cranston

Senator John Tunney

AB 3244 - CHILD LABOR

Testimony taken by the Assembly Labor Relations Committee at hearings last fall indicated that the present child labor laws are not being adequately enforced. This is in part due to inadequate staffing of the Division of Labor Law Enforcement. The hearings also disclosed that child labor offenses were frequently dismissed in court and that there is wholesale disregard of these laws in many parts of the state.

In its amended form, AB 3244 does the following:

A) Authorizes the Division of Labor Law Enforcement to cite violators of child labor laws with civil penalties not less than $1,000 and not more than $5,000 for more serious violations (Class A) and civil penalties of not less than $100 and not more than $500 for lesser violations (Class B). If the violator does not pay the civil penalty the Labor Commissioner may bring the matter to a court of competent jurisdiction. The court then renders an independent judgment following a review of all the facts presented. The person accused also has a right to seek relief from the courts if he feels he is being harrassed by the administrative agency.

B) Imposes a responsibility on owners of real property upon which minors are employed whether or not the owner is the minor's direct employer if such person knowingly permitted the child labor violations or continuation of such violations.

c) Limits the number of hours a minor can work in agriculture to 20 hours a week instead of 4 hours a day which was in the previous version of the bill. In addition, the bill limits the number of hours a minor 16 or 17 years of age can work in agriculture to 6 hours a day. Minors 14 or 15 years of age can work no more than 4 hours a day.

d) Sec. 1293.1 prohibits any minor under the age of 12 to accompany an employed parent or guardian in an agricultural zone of danger. Zone of danger is defined as being: 1) on or about moving equipment; 2) in or about unprotected chemicals; and 3) in or about any unprotected water hazard.

e) Removes the requirement that was in a previous version of the bill that the employer must notify the work permit issuing authority within 5 days after termination of employment of the minor.

f) Changes the specification of dangerous working conditions for minors under the age of 16 by adding in or about a gasoline station. The presence of moving equipment and danger of fire prompt this inclusion. The Division of Labor Law Enforcement already construes service stations as hazardous under their general authority to do so. The language in Sec. 1294 makes this specific.

The recent amendments have removed the objections of the California Farm Bureau, the Agricultural Council and the Western Growers Association and they find it now to be a workable piece of legislation.

AMENDED IN ASSEMBLY AUGUST 5, 1974

AMENDED IN ASSEMBLY MAY 7, 1974

AMENDED IN ASSEMBLY APRIL 22, 1974

CALIFORNIA LEGISLATURE—1973–74 REGULAR SESSION

ASSEMBLY BILL No. 3244

Introduced by Assemblymen McCarthy, McAlister, Berman, Alatorre, Bond, Garcia, Montoya, and Foran

February 26, 1974

REFERRED TO COMMITTEE ON LABOR RELATIONS

An act to amend Sections 12359, 12774, 12781, 12782, 12784, 12786, 12789, and 12791 of, and to repeal Sections 12360, and 12795 of, the Education Code, and to amend Sections 98, 1294, and 1305 of, and to add Sections 1285, 1286, 1287, 1288, 1289, 1293.1, 1301, 1308.5, 1312, and 1399 to, and to repeal Sections 1301, 1302, 1306, 1310, 1395, and 1397.5 of, the Labor Code, relating to the employment of minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 3244, as amended, McCarthy (Labor Rel.). Employment of minors.

Revises provisions of Education Code regarding administering, and investigating and reporting violations, of specified laws which relate to employment of minors, *and imposes specified limitations upon hours of employment of minors in agriculture*.

Establishes system for issuance of citations for violating child labor laws, and includes provision for imposition of civil penalties in designated amounts under such citation system.

44-619 O - 75 - 15

Prohibits employing minors in or about a gasoline service station.

Prohibits ; ~~with specified exceptions,~~ minors under 12 years of age from being in or about ~~premises where~~ agricultural ~~work is being performed~~ *zones of danger, as defined*.

Removes requirement that authority issuing work permits file certain written reports with Division of Labor Law Enforcement and State Board of Education twice yearly.

Specifies that, with specified exceptions, persons who own or control real property upon which minors are employed shall be subject to child labor laws' requirements and civil penalties whether or not such person is minor's employer, if minor's employment is for such person's benefit, and such person knowingly permits violation or continuation of violations.

Revises provisions with respect to the authority of school attendance supervisor to enter places of employment to investigate violations of child labor laws and requires filing of a specified report where good cause exists to believe that there are violations of specified provisions. Removes requirement that division report violations of such laws to State Board of Education.

Specifies that provisions shall not limit authority of Attorney General and district attorneys to bring suit to enforce child labor laws, upon their own complaint or complaint of any person, independently of Director of Industrial Relations.

Makes various related changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 12359 of the Education Code is amended to read:

12359. The attendance supervisor, who is a full-time attendance supervisor performing no other duties, of any county, city and county, or school district in which any place of employment is situated, or the probation officer of the county, may at any time enter into any such place of employment for the purpose of examining permits to

work or to employ of all minors employed in such place of employment, or for the purpose of investigating violations of the provisions of the Labor Code or of Chapter 6 (commencing with Section 12101), 7 (commencing with Section 12551), or 7.5 (commencing with Section 12765) of Division 9 of ~~the Education Code~~ *this code*. If the attendance supervisor or probation officer is denied entrance to such place of employment, or if any violation of laws relating to the education of minors is found to exist, the attendance supervisor or probation officer shall report the denial of entrance or the violation to the Labor Commissioner. Such report shall be made within 48 hours and shall be in writing, setting forth the fact that he has good cause to believe that such laws are being violated in such place of employment and describing the nature of the violation.

SEC. 2. Section 12360 of the Education Code is repealed.

SEC. 3. Section 12774 of the Education Code is amended to read:

12774. Except in *homemaking occupations and* approved work experience education programs, no employer shall employ a minor under 18 years of age for more than four hours in any day in which such minor is required by law to attend school. *No employer shall employ any minor under the age of 18 years in any agricultural occupation for more than 20 hours in any schoolweek in which such minor is required by law to attend school. Minors 16 and 17 years of age shall not work more than six hours on a day they are required to attend school. Minors 14 and 15 years of age shall not work more than four hours on a schoolday. Holidays and days school is not in session are not covered by this section.* If evidence is shown to the satisfaction of the person issuing the permit that the schoolwork or the health of the minor is being impaired by the employment, the authority issuing the permit may revoke it.

SEC. 4. Section 12781 of the Education Code is amended to read:

12781. Every owner, tenant, or operator of a farm

employing thereon as agricultural labor any parent or guardian having minor children in his immediate care and custody shall post at a conspicuous place on the property or place of employment where it may be easily read by those employed, a notice stating that minor children are not allowed to work upon the premises unless legally permitted to do so by law and unless permits to work have been secured by the minor children from duly constituted authorities. All such notices shall be printed in both the English and Spanish languages.

SEC. 5. Section 12782 of the Education Code is amended to read:

12782. In order that children may be disciplined and trained in habits of work and industry by their parents, guardians, or other persons standing in the place of parents, nothing in this chapter shall require a permit to work to be issued to any minor or require a permit to employ to be issued to the parent or guardian when the work or intended work to be performed by the minor is for or under the control of his parent or guardian and is performed on or in connection with the premises owned, operated or controlled by the parent or guardian. Nothing in this section shall be held to affect existing provisions of law which require permits to work to be issued to minors employed in manufacturing, mercantile, or similar commercial enterprises by their parents or guardians, or to do work which is otherwise forbidden by Section 1294, 1296, or 1308.5 of the Labor Code. All other provisions of law relating to compulsory education shall be effective as to the minor.

SEC. 6. Section 12784 of the Education Code is amended to read:

12784. Nothing in this chapter shall be construed to repeal or in any way modify the provisions of Sections 1298, 1390, 1394, 1396, and 1397 of the Labor Code.

SEC. 7. Section 12786 of the Education Code is amended to read:

12786. Every person, firm, corporation, or agent or officer of a firm or corporation, employing minors under the age of 18 years shall keep on file all permits to employ

minors under the age of 18 years during the term of the employment.

~~Within five days after termination of the employment, the permit to employ shall be sent by the employer to the work permit issuing authority. The permit shall contain the latest correct address of the minor known to the employer.~~

SEC. 8. Section 12789 of the Education Code is amended to read:

12789. Permits to work and to employ and certificates of age shall always be open to inspection by supervisors of attendance, probation officers, designees of the Labor Commissioner, and by officers of the Superintendent of Public Instruction. Every permit to work or to employ and every certificate of age shall be subject to cancellation at any time by the Superintendent of Public Instruction, the Labor Commissioner, or by the person issuing the permit or certificate whenever any person authorized to inspect such permits and certificates finds that the conditions for the legal issuance of the permit or certificate of age do not exist or did not exist at the time the permit or certificate was issued. A permit to work shall be revoked by the issuing authority when he is satisfied that the employment of the minor is impairing the health or education of the minor, or that any provision or condition of the permit is being violated, or that the minor is performing work in violation of any provision of law.

SEC. 9. Section 12791 of the Education Code is amended to read:

12791. If upon inspection or investigation a supervisor of attendance, probation officer, or officer of the Superintendent of Public Instruction determines that a person is in violation of any statutory provision or rule or regulation relating to the employment of minors, he shall report the violation to the Labor Commissioner. Such report shall be made within 48 hours, and shall be in writing, setting forth the fact that he has good cause to believe that such statutory provision or rule or regulation is being violated by the person. Upon receipt of the

report of violation, the Labor Commissioner shall make an inspection or investigation of the violation and shall take such action as is provided in Section 1287 of the Labor Code.

SEC. 10. Section 12795 of the Education Code is repealed.

SEC. 11. Section 98 of the Labor Code is amended to read:

98. The division may prosecute actions for the collection of wages, penalties, and demands of persons who, in the judgment of the Labor Commissioner are financially unable to employ counsel, in cases in which the Labor Commissioner believes such claims are valid and enforceable.

The division may also prosecute actions for the return of workmen's tools which are in the illegal possession of another person.

The division may also prosecute actions for civil penalties determined to be due under the provisions of Section 1285.

SEC. 12. Section 1285 is added to Article 2 of Chapter 2 of Part 4 of Division 2 of the Labor Code, to read:

1285. It is the intent of the Legislature in enacting Sections 1286 to 1289, inclusive, to establish a citation system for the imposition of prompt and effective civil sanctions against violators of the laws and regulations of this state relating to the employment of minors. The civil penalties provided for in this article are in addition to any other penalty provided by law.

SEC. 13. Section 1286 is added to Article 2 of Chapter 2 of Part 4 of Division 2 of the Labor Code, to read:

1286. As used in this article:

(a) "Director" means the Director of Industrial Relations or his designee.

(b) "Department" means the Department of Industrial Relations.

(c) "Minor" means any person under the age of 18 years who is required to attend school under the provisions of Chapter 6 (commencing with Section 12101) and Chapter 7 (commencing with Section 12551)

of Division 9 of the Education Code.

(d) "Labor Commissioner" means the Chief of the Division of Labor Law Enforcement, his deputies or agents, who shall have the authority to conduct informal hearings and determine the amount of civil penalties in accordance with the provisions of this article.

SEC. 14. Section 1287 is added to Article 2 of Chapter 2 of Part 4 of Division 2 of the Labor Code, to read:

1287. If upon inspection or investigation the director determines that a person is in violation of any statutory provision or rule or regulation relating to the employment of minors, he may issue a citation to the person in violation. The citation may be served personally or by registered mail in accordance with subdivision (c) of Section 11505 of the Government Code. Each citation shall be in writing and shall describe the nature of the violation, including reference to the statutory provisions, rule, or regulation alleged to have been violated.

SEC. 15. Section 1288 is added to Article 2 of Chapter 2 of Part 4 of Division 2 of the Labor Code, to read:

1288. Citations issued pursuant to this article shall be classified according to the nature of the violation, and shall indicate the classification on the face thereof, as follows:

(a) Class "A" violations are violations of Section 1292, 1293, 1294, 1308, 1391, or 1392, and such other violations which the director determines present an imminent danger to minor employees or a substantial probability that death or serious physical harm would result therefrom. A physical condition or one or more practices, means, methods, or operations in use in a place of employment may constitute such a violation. A class "A" violation is subject to a civil penalty in an amount not less than one thousand dollars ($1,000) and not exceeding five thousand dollars ($5,000) for each and every violation. Willful or repeated violations shall receive higher civil penalties than those imposed for comparable nonwillful or first violations.

(b) Class "B" violations are violations of Section 1299

or 1308.5, and such other violations which the director determines have a direct or immediate relationship to the health, safety, or security of minor employees, other than class "A" violations. A class "B" violation is subject to a civil penalty in an amount not less than one hundred dollars ($100) and not exceeding five hundred dollars ($500) for each and every violation. Willful or repeated violations shall receive higher civil penalties than those imposed for comparable nonwillful or first violations.

SEC. 16. Section 1289 is added to Article 2 of Chapter 2 of Part 4 of Division 2 of the Labor Code, to read:

1289. (a) If a person desires to contest a citation or the proposed assessment of a civil penalty therefor, he shall within four business days after service of the citation notify the office of the Labor Commissioner which appears on the citation of his request for an informal hearing. The Labor Commissioner or his deputy or agent shall, within 10 days, hold a hearing at the conclusion of which the citation or proposed assessment of a civil penalty shall be affirmed, modified, or dismissed. If the person receiving the citation does not request a hearing with the Labor Commissioner within the prescribed time, the proposed civil penalty shall be deemed a final order of the director and shall not be subject to further administrative review. The Labor Commissioner's determination after the conclusion of the hearing shall be deemed the final order of the director and shall not be subject to further administrative review.

(b) A person to whom a citation has been issued, shall, in lieu of contesting a citation pursuant to this section, transmit to the office of the Labor Commissioner designated on the citation the amount specified for the violation within four business days after issuance of the citation.

(c) The Labor Commissioner shall promptly take all appropriate action to enforce the citation and recover the civil penalty prescribed thereon or found to be due after a hearing. The Labor Commissioner may maintain an action in any court of competent jurisdiction to recover the amount of civil penalties found to be due.

SEC. 17. Section 1293.1 is added to the Labor Code, to read:

1293.1. Except as provided in this section and in subdivision (b) of Section 1394, no minor under the age of 12 years shall be permitted in or about the premises where agricultural work is being performed.

~~Minors under the age of 12 years may be permitted in or about the premises where agricultural work is being performed provided that their presence is confined to an area which satisfies all of the following conditions:~~

~~(a) Such area must be utilized on a continuous basis for recreational or educational purposes with respect to minors under the age of 12 years when employees' children are present on the premises.~~

~~(b) The area must be clearly identified and designated for such purposes.~~

~~(c) The area must be located such that it is not within the zone of danger of any activities being performed on the premises.~~

~~(d) There must be adult supervision of such area at all times when any minor under the age of 12 years is present.~~

No minor under the age of 12 years may be employed or permitted to work, or accompany or be permitted to accompany an employed parent or guardian, in an agricultural zone of danger. As used in this section, "agricultural zone of danger" means any or all of the following: (1) on or about moving equipment; (2) in or about unprotected chemicals; (3) in or about any unprotected water hazard. The Department of Industrial Relations may, after hearing, determine other hazards that constitute an agricultural zone of danger.

SEC. 18. Section 1294 of the Labor Code is amended to read:

1294. No minor under the age of 16 years shall be employed or permitted to work in any capacity:

(a) Upon any railroad, whether steam, electric, or hydraulic.

(b) Upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this state.

(c) In, about, or in connection with any processes in which dangerous or poisonous acids are used, in the manufacture or packing of paints, colors, white or red lead, or in soldering.

(d) In occupations causing dust in injurious quantities, in the manufacture or use of dangerous or poisonous dyes, in the manufacture or preparation of compositions with dangerous or poisonous gases, or in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health.

(e) On scaffolding, in heavy work in the building trades, in any tunnel or excavation, or in, about or in connection with any mine, coal breaker, coke oven or quarry.

(f) In assorting, manufacturing or packing tobacco.

(g) In operating any automobile, motor car or truck.

(h) In any bowling alley, or pool or billiard room.

(i) In or about a gasoline service station.

(j) In any occupation dangerous to the life or limb, or injurious to the health or morals of such minor.

SEC. 19. Section 1301 of the Labor Code is repealed.

SEC. 20. Section 1301 is added to the Labor Code, to read:

1301. The provisions of this article concerning the employment of minors, and the civil penalties for violations of such provisions, shall be fully applicable to every person who owns or controls the real property upon which a minor is employed, whether or not such person is the minor's employer, if the minor's employment is for the benefit of such person, and such person has knowingly permitted the violation or continuation of such violations.

The posting of a notice pursuant to Section 12781 of the Education Code shall not operate to exempt any person from the provisions of this article.

SEC. 21. Section 1302 of the Labor Code is amended to read:

1302. The attendance supervisor, who is a full-time attendance supervisor performing no other duties, of any county, city and county, or school district in which any

place of employment is situated, or the probation officer of such county, may at any time, enter such place of employment for the purpose of examining permits to work or to employ of all minors employed in such place of employment, or for the purpose of investigating violations of the provisions of this article or of Chapter 6 (commencing with Section 12101), 7 (commencing with Section 12551), or 7.5 (commencing with Section 12765) of Division 9 of the Education Code. If an attendance supervisor or probation officer is denied entrance to such place of employment, or if any violations of laws relating to the employment of minors are found to exist, the attendance supervisor or probation officer shall report the denial of entrance or the violation to the Labor Commissioner. Such report shall be made within 48 hours and shall be in writing, setting forth the fact that he has good cause to believe that such laws are being violated in such place of employment, and describing the nature of the violation.

SEC. 22. Section 1305 of the Labor Code is amended to read:

1305. Any fine collected under this article shall be paid into the State Treasury and credited to the General Fund.

SEC. 23. Section 1306 of the Labor Code is repealed.

SEC. 24. Section 1308.5 is added to the Labor Code, to read:

1308.5. (a) This section, with the exception of paragraph (4) of this subdivision, shall apply to all minors under the age of 16 years. The written consent of the Labor Commissioner is required for any minor, not otherwise exempted by this chapter, for any of the following:

(1) The employment of any minor, in the presentation of any drama, legitimate play, or in any radio broadcasting or television studio.

(2) The employment of any minor 12 years of age or over in any other performance, concert, or entertainment.

(3) The appearance of any minor over the age of eight

years in any performance, concert, or entertainment during the public school vacation.

(4) Allowing any minor between the ages of 8 and 18 years, who is by any law of this state permitted to be employed as an actor, actress, or performer in a theater, motion picture studio, radio broadcasting studio, or television studio, before 10:00 o'clock p.m., in the presentation of a performance, play, or drama continuing from an earlier hour until after 10:00 o'clock, to continue his part in such presentation between the hours of 10:00 and 12:00 p.m.

(5) The appearance of any minor in any entertainment which is noncommercial in nature.

(6) The employment of any minor artist in the making of phonograph recordings.

(7) The employment of any minor as an advertising or photographic model.

(8) The employment or appearance of any minor pursuant to a contract approved by the superior court under the provisions of Section 36 of the Civil Code.

(b) Any person, or the agent, manager, superintendent or officer thereof, employing either directly or indirectly through third persons, or any parent or guardian of a minor who employs, or permits any minor to be employed in violation of any of the provisions of this section is guilty of a misdemeanor. Failure to produce the written consent from the Labor Commissioner is prima facie evidence of the illegal employment of any minor whose written consent is not produced.

SEC. 25. Section 1310 of the Labor Code is repealed.

SEC. 26. Section 1312 is added to the Labor Code, to read:

1312. Nothing in this article shall limit the authority of the Attorney General or the district attorney of any county, either upon their own complaint or the complaint of any person acting for himself or the general public, to prosecute actions, either civil or criminal, for violations of this article, or to enforce the provisions thereof independently and without specific direction of

the director.

SEC. 27. Section 1395 of the Labor Code is repealed.

SEC. 28. Section 1397.5 of the Labor Code is repealed.

SEC. 29. Section 1399 is added to the Labor Code, to read:

1399. Nothing in this article shall limit the authority of the Attorney General or the district attorney of any county, either upon their own complaint or the complaint of any person acting for himself or the general public, to prosecute actions, either civil or criminal, for violations of this article, or to enforce the provisions thereof independently and without specific direction of the director.

Senator HATHAWAY. Thank you very much.
The hearing is adjourned.
[Whereupon, at 4:15 p.m., the hearing was adjourned.]

○